

Shire of
Gunnedah
Land of Opportunity

Planning Proposal

617 Beeson Road Rezoning

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ABBREVIATIONS & TERMS

AHD	Australian Height Datum
CSP	Community Strategic Plan
DPE	Department of Planning & Environment
LEP	Local Environmental Plan
LGA	Local Government Area
LWD	Large Wood Debris
LZN	Land Zoning
N/A	Not Applicable
OEH	Office of Environment and Heritage
RFS	Rural Fire Service
RMS	Roads and Maritime Services
SEPP	State Environmental Planning Policy
TEC	Threatened Ecological Community
VAR	Vegetation Assessment Report
SUBJECT LAND	Land affected by the planning proposal

PRELIMINARY

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979*, and 'a guide to preparing planning proposals', Department of Planning and Environment (DPE) 2013. The planning proposal applies to rural farm land located within the Gunnedah Local Government Area.

The following DPE practice note(s) are applicable to the planning proposal:

- DPE practice note *2009-002-Environment Protection Zones*

Subject land: Part Lot 240 DP829890 – 617 Beeson Road, Gunnedah

PART 1 – OBJECTIVES OR INTENDED OUTCOMES OF THE PROPOSED LEP

The proposed amendment to the Gunnedah *Local Environmental Plan (LEP) 2012* aims to;

- Rezone part Lot 240 DP829890 – 617 Beeson Road, Gunnedah from E3 *Environmental Management* to RU1 *Primary Production* under provisions contained the Gunnedah *LEP 2012*.

The planning proposal has been prepared to enable the lodgement of a development application for an extractive industry.

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 Gunnedah *LEP 2012* land zoning mapping to rezone part Lot 240 DP829890 – 617 Beeson Road, Gunnedah from E3 *Environmental Management* to RU1 *Primary Production*.

PART 3 – JUSTIFICATION

Section A – The need for the Planning Proposal

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

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

This planning proposal is to provide suitably located and appropriately zoned land for resource recovery and to enable the lodgement a development application for a quarry (extractive industry).

The subject land currently contains a dual zoning of E3 *Environmental Management* and RU1 *Primary Production* under provisions contained in the Gunnedah LEP 2012. The proposed 'extractive industry' will be located partially within the RU1 *Primary Production* zone and partially within the E3 *Environmental Management* zone. Extractive industries are not permitted within the E3 *Environmental Management* zone under provisions contained in the Gunnedah LEP 2012. However extractive industries are permitted with consent in the RU1 *Primary Production* zone. The planning proposal aims to rezone the portion of the subject site whereby the proposed extractive industry would be located within the E3 *Environmental Management* zone.

Appendix 1 contains mapping identifying the subject site's location relative to the Gunnedah Township.

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

It is believed rezoning the subject land from RU1 *Primary Production* to E3 *Environmental Management* is the best method available to lawfully achieve the intended outcomes of the Planning Proposal.

An alternative approach of allowing extractive industries as an *additional permitted use* for the land was considered however it was determined that allowing said additional permitted use would reduce the integrity of the E zone and said use is not considered consistent with the E3 *Environment Protection* zone objectives. DPE practice note 2009-002-*Environment Protection Zones* states "it is important that Council's maintain the integrity of the E zones by including only uses consistent with the zone objectives".

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)

New England North West Regional Land Use Plan 2012

The New England North West Strategic Regional Land Use Plan applies to the Gunnedah Local Government Area, and consequently the subject land. The New England North West Strategic Regional Land Use Plan 2012 identifies that "quarries (extractive industries) supply low value extractive materials such as rock and sand for road base that are an essential ingredient for local and regional development, being used for critical infrastructure construction and maintenance, and they must be locally available as transport cost can quickly dilute product value". The planning proposal will enable the provision of locally sourced gravel material for use in the

Gunnedah Shire. The planning proposal is considered consistent with this section of the *New England North West Strategic Regional Land Use Plan 2012*.

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

Gunnedah Community Strategic Plan (CSP) 2012-2022

The planning proposal is consistent with the Gunnedah CSP 2012-2022, specifically the following sections:

2.5 – Entrepreneurs and developers contribute to local economic growth; and

2.5.2 – Review the LEP and DCP to ensure unnecessary barriers to business establishments are removed.

The Gunnedah CSP identifies building the shire's economy as being an important driver to the future of Gunnedah Shire. The CSP further identifies enabling entrepreneurs and developers to contribute to 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 and subsequent extractive industry is expected to result in the creation of 1-3 jobs. The planning proposal is considered consistent with the *Gunnedah Community Strategic Plan 2012-2022*.

Gunnedah Shire Rural Strategy 2007

The Gunnedah Shire Rural Strategy 2007 identifies gravel extraction as being important to the shire. The planning proposal will allow for the provision of additional gravel resource within the shire. The planning proposal is consistent with the Gunnedah Shire Rural Strategy 2007.

Addendum to the Gunnedah Shire Rural Strategy 2008

The addendum to the Gunnedah Shire Rural Strategy identifies Environment Management Zone is to protect the integrity and natural values and features of the rural landscape. The Strategy identifies Blackjack Mountain as containing scenic qualities thus requiring protection via zoning. The strategy further identifies the 450m AHD contour line being used as a basis for the environmental protection zone. the subject site has been zoned due to being greater than the 450m contour height. A further assessment of the vegetation present on the subject site is contained in section 7 of the planning proposal. The planning proposal is consistent with the Addendum to the Gunnedah Shire Rural Strategy 2008.

Namoi 2030 Regional Resource Strategy

The Namoi 2030 Regional Resource Strategy was developed for the purpose of producing a regional land use management strategy with a focus on sustainable growth. The report refers to the current and projected growth of the Gunnedah region, in particular the anticipated growth in resource development and the impact this will have on local housing and development.

The planning proposal is consistent with the strategy by providing for an improvement to the Shire's economy through increased opportunities with minimal community and environmental impact while providing a valuable resource to facilitate the anticipated growth of the region and to help safeguard the region during a mining and mineral resources slowdown.

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) as identified in table 5.0.

Table 5.0: Assessment of SEPP's relative to planning proposal

SEPP	Applicable	Consistent	Comments
No. 1 - Development Standards	No	N/A	Not applicable to Gunnedah Local Government Area.
No. 14 - Coastal Wetlands	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. 26 - Littoral Rainforests	No	N/A	Not applicable to Gunnedah Local Government Area.
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. 32 - Urban Consolidation (Redevelopment of Urban Land)	No	N/A	Not applicable to planning proposal.
No. 33 - Hazardous and Offensive Development	Yes	Yes	Part 3 of the SEPP is applicable to the planning proposal in accordance with clause 11(1)(b). The planning proposal aims to enable the lodgement of a development application for an extractive industry which may result in the generation of noise, dust, and traffic and may be considered an <i>offensive industry</i> under the definition of such contained in the SEPP. Given the locality of the proposed development it

			considered unlikely the proposed development will negatively impacts any residents in the area. Should the planning proposal be supported an assessment under SEPP 33 would be undertaken at the development application stage.
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	No	Not applicable to planning proposal. This SEPP becomes applicable at the time of lodgement of an application for development consent.
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	<p>Clause 6 (1) of the SEPP states a planning authority must not include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) of the SEPP if the inclusion of said land in that zone would permit a change of use of the land, unless:</p> <ul style="list-style-type: none"> • the planning authority has considered whether the land is contaminated; • if the land is contaminated the planning authority is satisfied the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used; or • if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. <p>Subclause (4) of clause 6 of the SEPP identifies <i>table 1</i> of the <i>Contamination Land Planning Guidelines</i>. Table 1 identifies "extractive industries" and "agricultural activities" as being land uses with the ability to cause contamination.</p> <p>Consideration has been given as to whether or not the land is contaminated and if so that Council is satisfied that the land is suitable in its contaminated state for the future use or requires remediation.</p> <p>The subject land has previously been used for quarrying activities. The planning proposal proposes to continue and expand the operation of the quarry. Given proposed use of the land is the same as the previous of the land it is considered the subject land</p>

			is considered suitable for the proposed use. Should the planning proposal be supported further investigation into contamination may be required to be undertaken at the development application stage.
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 (Revised Schemes)	No	N/A	Not applicable to planning proposal.
No. 71 - Coastal Protection	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	Although clause 4 <i>land to which the policy applies</i> states the SEPP applies to the state it is deemed the SEPP is not applicable to planning proposal. The subject land is not identified on the Strategic Agricultural Land Map – New England North West STA_008 as containing strategic agricultural land. Nor is the subject land identified in any other mapping associated with the SEPP.
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. Gunnedah Local Government Area is not identified in clause 4 <i>land to</i>

			<i>which this policy applies of the Policy.</i>
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	
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.

6. Is the planning proposal consistent with the relevant Ministerial Directions (s.117 directions)?

The planning proposal is considered to be consistent with all applicable s.117 ministerial directions, with the exception of 2.1 *Environment Protection Zones*, 2.3 *Heritage Conservation*, and 3.3 *Home Occupations* as identified in table 6.0.

Table 6.0 – Assessment of local planning directions relative to planning proposal

Direction	Applicable	Consistent	Comments
1. Employment and Resources			
1.1 Business and Industrial Zones	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of this direction states the direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The planning proposal does not affect land located within an existing or proposed business or industrial zone.</p> <p>In accordance with clause (3) of the direction; the direction is not applicable to the planning proposal.</p>
1.2 Rural Zones	Yes	Yes	<p>Clause (2)(a) of the direction states that clause (4)(a) of the direction applies to all relevant planning authorities.</p> <p>Clause (4)(a) of the direction states a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>Clause (3) of the direction further outlines that the direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p>

			<p>The planning proposal does affect land that land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Clause (4)(a) of the direction is therefore applicable to the planning proposal.</p> <p>The planning proposal does not involve the rezoning of existing rural zoned land zone to a residential, business, industrial, village or tourist zone. The planning proposal is considered to be consistent with the direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. <p>The planning proposal will not have the effect of prohibiting or restricting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting development potential of the resources identified in clause (b) of the direction.</p> <p>In accordance with clause (3) of the direction; the direction is not applicable to the planning proposal.</p>
1.4 Oyster Aquaculture	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i> (“the Strategy”).</p> <p>Gunnedah Local Government Area is not identified as a Priority Oyster Aquaculture Area or identified in “the Strategy”.</p> <p>In accordance with clause 2 of the direction; the direction does not apply to the Gunnedah Local Government Area.</p>
1.5 Rural Lands	Yes	Yes	<p>Clause (2) of the direction states the direction applies to all planning proposals to which <i>State Environmental Planning Policy (Rural Lands) 2008</i> applies, which includes all local government areas in the State other than the following local government areas:</p>

		<p>Gunnedah Local Government Area is not identified as an area of exception. The direction therefore applies to the Gunnedah Local Government Area.</p> <p>Clause (3) of the direction states the direction applies when:</p> <ul style="list-style-type: none"> (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. <p>The planning proposal does affect land within an existing or proposed rural or environment protection zone. However the planning proposal does not involve altering the existing minimum lot size on land within a rural or environment protection zone.</p> <p>In accordance with Clause (3)(a) the direction is applicable to the planning proposal.</p> <p>Clause (4) of the direction states a planning proposal to which clauses 3(a) or 3(b) of the direction applies must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>The Rural Planning Principles identified in <i>SEPP (Rural Lands) 2008</i> are as follows:</p> <ul style="list-style-type: none"> (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing
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			<p>for rural housing,</p> <p>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</p> <p>The planning proposal is consistent with the rural planning principles contained in <i>SEPP (Rural Lands) 2008</i>.</p>
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2. Environment and Heritage

<p>2.1 Environment Protection Zones</p>	<p>Yes</p>	<p>No – Considered to be of minor significance</p>	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal.</p> <p>Clause (4) of the direction states a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>Clause (5) of the direction states a planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of direction 1.5 “<i>Rural Lands</i>”.</p> <p>In accordance with clause (2) and (3) of the direction the; direction is applicable to the planning proposal.</p> <p>The planning proposal is not consistent with clause (4) of the direction as it does not contain provisions for the protection of environmentally sensitive areas as these provisions already exist within the current instrument.</p> <p>The planning proposal is considered inconsistent with clause (5) of the direction as it involves rezoning the subject land from an Environmental zone to a Rural zone. As previously identified the subject land is proposed to be rezoned from E3 <i>Environmental Management</i> to RU1 <i>Primary Production</i> under provisions contained in the Gunnedah LEP 2012. The RU1 <i>Primary Production</i> zone allows greater uses and development potential of the subject land, thus resulting in a reduction in the environmental protection standards that apply to the land.</p> <p>Clause (6) of the direction states a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <ul style="list-style-type: none"> (i) gives consideration to the objectives of this direction, (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates
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			<p>to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) is of minor significance.</p> <p>In respect to the planning proposal's inconsistency with clause (4) of the direction. It is considered this inconsistency is of minor significance as provisions for the protection of environmentally sensitive areas already exist within the current instrument and these provision are unaffected by the planning proposal.</p> <p>In respect of the planning proposal's inconsistency with clause (5) of the direction it is considered this inconsistency is also of minor significance. Section 7 of the planning proposal outlines the delineation of the E3 <i>Environmental Management</i> zone in Gunnedah Shire is due to land having a height greater than 450m AHD as identified in the Addendum to the Gunnedah Shire Rural Strategy 2008, and not specifically or solely due to the ecological value of the site. A vegetation assessment report (VAR) provided post submission of the planning proposal by the proponent to Council identifies the subject land does not contain vegetation that forms any threatened ecological community (TEC). The VAR concludes "<i>it is considered that the rezoning of the subject site is unlikely to impact on any threatened species, populations or TECs</i>".</p>
2.2 Coastal Protection	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.</p> <p>The Gunnedah Local Government Area is not identified as a coastal zone as defined in the <i>Coastal Protection Act 1979</i>.</p> <p>In accordance with clause (2) of the direction, the direction does not apply to the Gunnedah Local Government Area.</p>
2.3 Heritage Conservation	Yes	No – Considered to be of minor significance	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal.</p> <p>Clause (4) of the direction a planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of</p>

			<p>the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p> <p>In accordance with clause (2) and (3) of the direction the direction is applicable to the planning proposal.</p> <p>The planning proposal is not consistent with clause (4) of the direction as it does not contain provisions for the conservation of items or places of Aboriginal or heritage significance.</p> <p>Clause (5) of the direction states a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</p> <p>(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</p> <p>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</p> <p>In regard to the planning proposal's inconsistency with clause (4) of the direction. It is considered this inconsistency is of minor significance as provisions for the protection of items and places of Aboriginal and heritage significance already exist within the current instrument and the planning proposal will not affect these provisions.</p>
2.4 Recreation Vehicle Areas	No	N/A – not relevant to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal.</p> <p>Clause (4) of the direction states a planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>,</p>

			<p>and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</i></p> <p>In accordance with clause (2) and (3) of the direction; the direction is applicable to the planning proposal.</p> <p>The planning proposal does not involve enabling land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).</p> <p>In respect of this it is considered the direction is not relevant to the planning proposal.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.</p> <p>In accordance with clause (2) of the direction; the direction does not apply to the Gunnedah Local Government Area.</p>
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>The planning proposal does not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted. Therefore in accordance with clause (3) the direction is not applicable to the planning proposal.</p>
3.2 Caravan Parks and Manufactured Home Estates	No	N/A – not relevant to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities, with the exception of the following:</p> <p>(a) Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989, except Crown land reserved for accommodation purposes, or</p> <p>(b) land dedicated or reserved under the National Parks and Wildlife Act 1974.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal.</p> <p>The planning proposal does not involve land excluded in accordance with clause (2)(a)(b) of the direction. In accordance with clauses (2)(a)(b) & (3) of the direction the direction is applicable to the planning proposal.</p> <p>Clause (4) of the direction states in identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p>

			<p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>Clause (5) of the direction states in identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.</p> <p>The planning proposal does not affect land utilised for caravan parks or manufactured home estates nor does it aim to alter provisions or existing zonings contained within the current instrument that permit development for the purpose of a caravan park or manufactured home estate to be carried out on land. In this regard, it is considered the direction is not relevant to the planning proposal.</p>
3.3 Home Occupations	Yes	No – Considered to be of minor significance	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal.</p> <p>In accordance with clause (2), & (3) of the direction; the direction is applicable to the planning proposal.</p> <p>Clause (4) of the direction states that a planning proposal must permit home occupations to be carried out in dwelling houses without the need for development consent.</p> <p>The planning proposal is not consistent with clause (4) of the direction as it does not contain provisions to permit home occupations to be carried out in dwelling houses without the need for development consent.</p> <p>Clause (5) of the direction states a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.</p>

			In respect to the planning proposal's inconsistency with clause (4) of the direction, it is considered this inconsistency is of minor significance as provisions for home occupations in dwellings without the need for development consent already exist within the current instrument and the planning proposal will not affect these provisions.
3.4 Integrating Land Use and Transport	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The planning proposal does not involve the creation, alteration or removal of a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>In accordance with clause (3) of the direction; the direction does not apply to the planning proposal</p>
3.5 Development Near Licensed Aerodromes	No	N/A to planning proposal	<p>Clause (2) of the direction state the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>The planning proposal does not involve the creation, alteration, or removal of a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p> <p>In accordance with clause (3) of the direction; the direction does not apply to the planning proposal</p>
3.6 Shooting Range	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p> <p>The planning proposal does not involve land adjoining or adjacent to an existing shooting range.</p> <p>In accordance with clause (3) of the direction; the direction does not apply to the planning proposal</p>
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A to LGA	Clause (2) of the direction states the direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as

			<p>shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.</p> <p>The Gunnedah Local Government Area is not identified on Acid Sulfate Soils Planning Maps held by the Department of Planning.</p> <p>In accordance with clause (3) of the direction; the direction does not apply to the Gunnedah Local Government Area.</p>
4.2 Mine Subsidence and Unstable Land	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to land that:</p> <p>(a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or</p> <p>(b) has been identified as unstable land.</p> <p>The subject land is not located within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, and has not been identified as unstable land.</p> <p>In accordance with clause (2) of the direction; the direction is not applicable to the planning proposal.</p>
4.3 Flood Prone Land	No	N/A to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.</p> <p>Gunnedah Shire Council is responsible for flood prone land within the Gunnedah Local Government Area.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The planning proposal does not affect land identified on Council's flood planning mapping.</p> <p>In accordance with clause (3) of the direction; the direction is not applicable to the planning proposal.</p>
4.4 Planning for Bushfire Protection	Yes	Yes	<p>Clause (2) of the direction states the direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the <i>Environmental Planning and Assessment Act 1979</i> (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p> <p>Gunnedah Shire Council is required to prepare a bushfire prone land map under section 146 of the EP&A Act 1979.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>The planning proposal does affect land that is in proximity to or is mapped as bushfire prone land.</p>

			<p>In accordance with clause (2), & (3) of the direction the direction is applicable to the planning proposal.</p> <p>Clause (4) of the direction states in the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>Clause (5) of the direction states a planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>Clause (6) of the direction states A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. <p>The subject land is classified as RFS Bushfire Category 1 – forests, woodlands, heaths & wetlands greater than 1 hectare.</p> <p>If the planning proposal is to proceed it will be referred to the RFS for comment as the subject land is bushfire prone land.</p>
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A to LGA	<p>This direction applies to land to which the following regional strategies apply:</p> <ul style="list-style-type: none"> (a) Far North Coast Regional Strategy (b) Lower Hunter Regional Strategy (c) South Coast Regional Strategy (excluding land in the

			<p>Shoalhaven LGA)</p> <p>(d) Sydney–Canberra Corridor Regional Strategy (e) Central Coast Regional Strategy, and (f) Mid North Coast Regional Strategy.</p> <p>None of the strategies identified in clause (2) of the direction apply to the Gunnedah Local Government Area. The direction is therefore not applicable the Gunnedah Local Government Area.</p>
5.2 Sydney Drinking Water Catchments	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to the Sydney drinking water catchment in the following local government areas: Blue Mountains, Campbelltown, Cooma, Monaro, Eurobodalla, Goulburn, Mulwaree, Kiama, Lithgow, Oberon, Palerang, Shoalhaven, Sutherland, Upper Lachlan, Wingecarribee, Wollondilly, & Wollongong.</p> <p>The Gunnedah Shire Local Government Area is not identified in clause (2) of the Direction. The direction is therefore not applicable the Gunnedah Local Government Area.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to: (a) Ballina Shire Council, (b) Byron Shire Council, (c) Kyogle Shire Council, (d) Lismore City Council, (e) Richmond Valley Council, and (f) Tweed Shire Council; except within areas contained by a “town and village growth boundary” in the Far North Coast Regional Strategy.</p> <p>The Gunnedah Local Government Area is not identified in clause (2) of the Direction. The direction is therefore not applicable the Gunnedah Local Government Area.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.</p> <p>The Gunnedah Local Government Area is not traversed by the Pacific Highway and is not located between Port Stephens Shire Council and Tweed Shire Council, inclusive. The direction is therefore not applicable the Gunnedah Local Government Area.</p>
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:	No	N/A to LGA	Clause (2) of the direction states the direction applies to

Badgerys Creek			<p>land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.</p> <p>The Gunnedah Shire Local Government Area is not identified in the map "Badgerys Creek–Australian Noise Exposure Forecast–Proposed Alignment–Worst Case Assumptions". The direction is therefore not applicable.</p>
5.9 North West Rail Link Corridor Strategy	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p> <p>The Gunnedah Local Government Area is not identified in clause (2) of the Direction. The direction is therefore not applicable the Gunnedah Local Government Area.</p>
5.10 Implementation of Regional Plans	Yes	Yes	<p>Clause (2) of the direction states the direction applies to land to which a Regional Plan has been released by the Minister for Planning.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal.</p> <p>Clause (4) of the direction states a planning proposal must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The planning proposal is considered consistent with the relevant objectives and actions contained in the New England North West Regional Land Use Plan 2012 as previously identified in section 3 of the planning proposal.</p>
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>Clause (4) of the direction states a planning proposal must minimise the inclusion of concurrence/ consultation provisions or referral of development applications to a Minister or public authority and not identify development as designated development.</p>

			<p>In accordance with clause (2) & (3) of the direction; the direction is applicable to the planning proposal.</p> <p>Clause (5) of the direction states the planning proposal must be substantially consistent with the terms of this direction.</p> <p>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.</p>
6.2 Reserving Land for Public Purposes	No	N/A – not relevant to planning proposal	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>In accordance with clause (2) & (3) of the direction; the direction is applicable to the planning proposal.</p> <p>Clause (4) of the direction states a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>The planning proposal does not intend to create, alter or reduce existing zonings or reservations of land for public purposes. The direction is therefore considered not relevant to the planning proposal.</p>
6.3 Site Specific Provisions	Yes	Yes	<p>Clause (2) of the direction states the direction applies to all relevant planning authorities.</p> <p>Clause (3) of the direction states the direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>The planning proposal has been prepared to enable the lodgement of development application for an extractive industry.</p> <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"> (a) allow that land use to be carried out in the zone the land is situated on, or (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 (c) allow that land use on the relevant land without

			<p>imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>The planning proposal intends to rezone the subject land 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. The planning proposal is considered consistent with the Direction.</p>
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to the following Local Government Areas; Ashfield, Auburn, Bankstown, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, City of Sydney, Fairfield, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, The Hills, Warringah, Waverley, Willoughby, Wollondilly, and Woollahra.</p> <p>The Gunnedah Local Government Area is not an area identified in Clause (2) of the direction. The direction therefore does not apply to the Gunnedah Local Government Area.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	No	N/A to LGA	<p>Clause (2) of the direction states the direction applies to Campbelltown City Council and Wollondilly Shire Council.</p> <p>Gunnedah Shire Council is not identified in clause (2) of the direction as being subject to the direction. The direction therefore does not apply to the Gunnedah Local Government Area.</p>

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?

As previously identified the subject site contains a dual zoning of E3 *Environmental Management* and RU1 *Primary Production* under provisions contained in the Gunnedah *LEP 2012*. The boundary of the E3 *Environmental Management* zone in the Gunnedah Local Government Area was determined by topographic mapping conducted in 1983, with land greater than 450 metres Australian Height Datum (AHD) in elevation being zoned E3 *Environmental Management*. The E3 *Environmental Management* zone generally contains land which has undulating topography and large areas of remnant vegetation.

The objectives of the E3 *Environmental Management* zone are to:

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

The subject land totals approximately 3 hectares. Aerial imagery indicates a small portion of the subject land has previously been cleared however a stand of uniform vegetation remains across the remainder of the subject land. The subject land contains an existing gravel quarry that is no longer in operation, hence the reason for the cleared portion of land. The existing quarry pit extends across the RU1 *Primary Production* and E3 *Environmental Management* zone boundaries from an elevation of approximately 448m to 461m AHD.

A vegetation assessment report (VAR) was requested from the proponent upon submission of the planning proposal application to Council. The VAR indicates that a total of twenty-nine (29) threatened species or populations and five (5) threatened ecological communities (TECs) are considered likely to occur within a 10km radius of the subject land.

The VAR states aerial imagery from Google Earth (2016) identifies a small portion of the subject land has previously been cleared for quarrying activities however a stand of uniform vegetation remains across the remainder of the subject land. The vegetation within the subject land showed evidence of historic burning, which was confirmed anecdotally by the quarry operator, Darren Jones, as per discussions held during the site inspection.

Groundcover species identified were predominantly native and included *Bulbine sp.*, *Crassula sp.*, *Gonocarpus elatus*, *Austrostipa aristiglumis* (Plains Grass), *Austrostipa scabra* (Speargrass), *Aristida personata* (Purple Wire Grass), *Gahnia aspera* (Rough Saw-sedge), *Cyperus fulvus* (Sticky Sedge), *Solanum parvifolium*, *Chrysocephalum apiculatum* (Yellow Buttons), *Paspalidium sp.*, *Podolepis sp.*, *Oxalis sp.*, *Actinotus gibbonsii*, *Lepidosperma laterale*, *Opuntia stricta* (Prickly Pear). A shrub layer was present and consisted of *Acacia leiocalyx* (Black Wattle), *Dodonaea viscosa* (Sticky Hop-bush), *Einadia hastata* (Berry Saltbush), *juvenile Allocasuarina luehmannii* (Buloke), and *Melichrus urceolatus* (Urn- heath). The midstorey consisted of *Callitris glaucophylla* (White Cypress Pine), and *Notelaea microcarpa* (Native Olive). The overstorey was well established however projected foliage cover was low given recent fire history. Dominant overstorey species were *Eucalyptus crebra* (Narrow-leaved Ironbark), White Cypress Pine, and Buloke.

The VAR noted the following:

- The vegetation community present within the subject site does not form any of the TECs listed;

- No hollow-bearing trees were observed within the subject site, therefore it is unlikely that any hollow-dwelling fauna (arboreal) fauna roost or nest will be impacted by the planning proposal;
- A few piles of large wood debris (LWD) are scattered across the subject site which were obviously discarded from clearing undertaken as part of the original quarry development. LWD provides habitat and shelter for ground-dwelling fauna. As these will have to be moved for the proposed quarry expansion, it is recommended that they are distributed to the adjacent forested areas;
- Given the small area of vegetation clearing proposed (i.e.: less than 2.5ha), recent fire history, low habitat value and the general location of the subject site on the edge of contiguous stand of vegetation (approximately 2,200ha), it is considered unlikely that the proposed rezoning will have a significant impact on the vegetation community, or threatened species that may inhabit or utilise it; and
- The impact footprint is located within the Gunnedah Shire Council local government area, which is listed under Schedule 1 of *State Environment Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44). The site was assessed for evidence of a resident population of koalas (e.g. scats, scratches) and potential koala habitat. No evidence of resident koalas was identified within the subject site, and no koala feed tree species (listed under Schedule 2 of SEPP 44) were present on site. It is therefore considered that the subject site does not form core or potential koala habitat.

The VAR submitted concluded the following:

- *“In summary, it is considered that the rezoning of the subject site is unlikely to impact on any threatened species, populations or TECs”.*

Appendix 1 contains mapping identifying the 450m contour line in relation to the subject land, aerial images of the subject land, and current and proposed LEP land zoning mapping of the subject land.

A copy of the VAR is included in appendix 2 of the planning proposal.

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

Noise Air quality impacts

It is proposed for noise and dust impacts to be managed with engineering solutions if required. It is proposed only small earthmoving plant will be used onsite with no blasting or crushing operations undertaken. The site is remote from adjoining landholders with the nearest dwellings being approximately 2.5km from the subject land.

Visual impacts

The proposed quarry is located approximately 2.5km from the nearest public road. It is expected this distance will alleviate any visual concern by the public. The proposed extractive industry will be located near the northern boundary of the allotment of which the adjoining allotment contains rural farm land of a similar nature to the subject land and containing dense vegetation cover.

Traffic

The proposed extractive industry will be of a minor nature. It is expected associated traffic movements will range from zero to 5-6 at traffic movements per week at its peak. Consequently, these are expected to pose minimal environmental impacts. Existing road network within the subject land locality is expected to be adequate to service the proposed extractive industry.

Should the planning proposal proceed; a full assessment of likely environmental impacts would be undertaken during the development application stage.

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

It is expected the planning proposal will unlikely result in adverse social or economic impacts. The subject site is not identified as being of, or containing any items of European or Aboriginal cultural heritage, with provisions for the conservation and management of European or Aboriginal heritage items already existing within the current instrument; hence having not been provided within the planning proposal. Should the planning proposal proceed; an assessment of any likely impacts on items of European or Aboriginal cultural heritage would be undertaken at the Development Application stage.

Section D – State and Commonwealth Interest

10. Is there adequate infrastructure for the planning proposal?

It is proposed there is sufficient capacity within the existing infrastructure network in the area to accommodate the planning proposal. The planning proposal will not require the provision of water, electricity, sewer, or telecommunication services. The existing road network is expected to have capacity to accommodate the minor increase in truck movements.

Should the planning proposal proceed; a full assessment of likely infrastructure impacts and requirements would be undertaken during 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 Gateway Determination it is proposed that consultation be undertaken with the following State or Commonwealth public authorities:

- Office of Environment and Heritage (OEH),
- Roads and Maritime Services (RMS), and
- Rural Fire Service, (RFS)

PART 4 – MAPPING

The planning proposal involves an amendment to following Gunnedah *LEP* 2012 map sheet(s);

- Land Zoning Map (LZN_002)

Preliminary *LEP* mapping is included in appendix 1.

PART 5 – COMMUNITY CONSULTATION

It is proposed to exhibit the planning for a period of not less than fourteen (14) days:

- At Council's administration building – 63 Elgin Street, Gunnedah, Monday-Friday, 8:30am-5:00pm, and
- On Council's website www.infogunnedah.com.au

Notice of the public exhibition will be given:

- In a newspaper that circulates the Gunnedah Local Government Area, and
- On Council's website www.infogunnedah.com.au

PART 6 – PROJECT TIMELINE

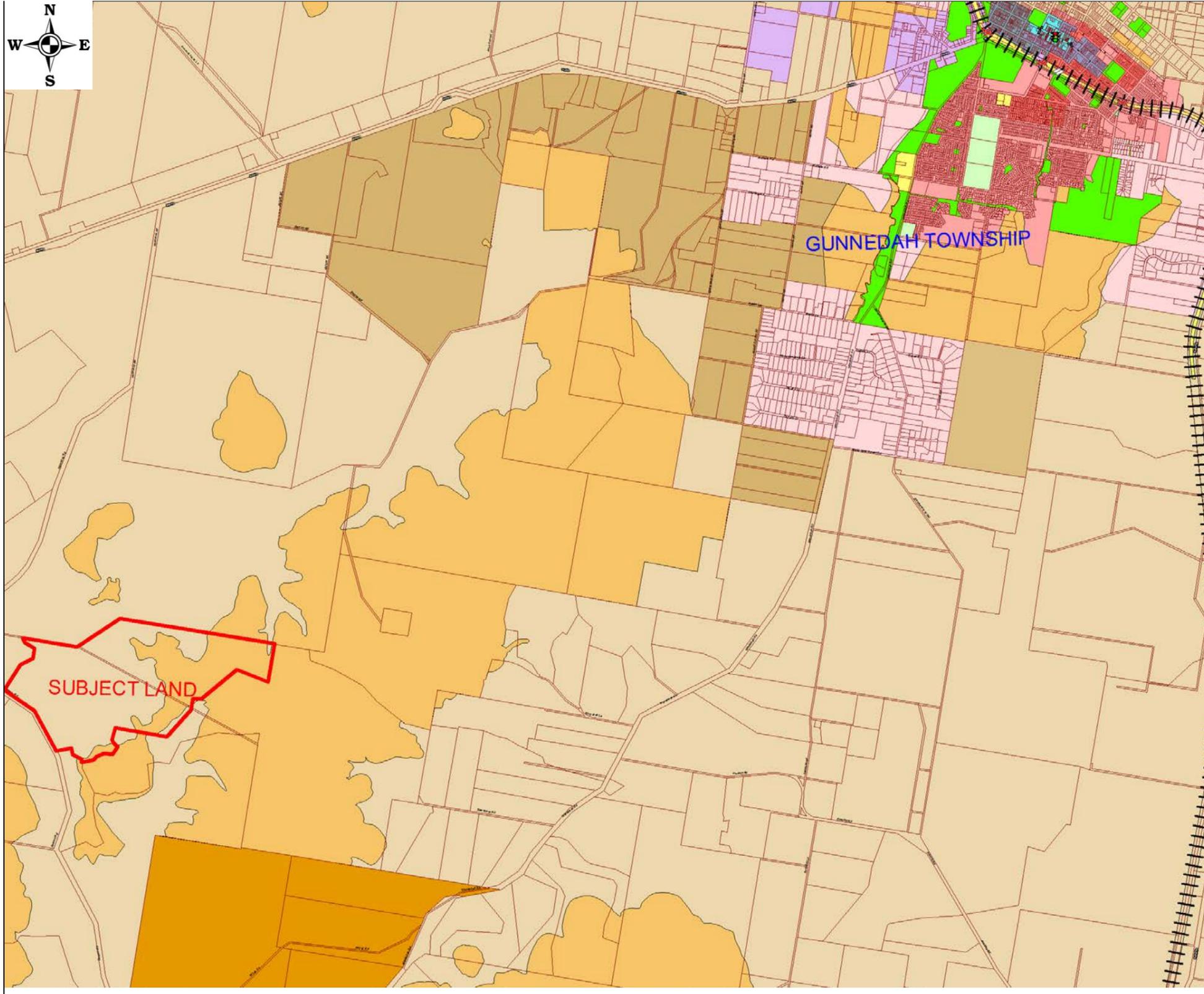
The table below provides an indication of the timeline for the planning proposal.

Anticipated commencement date (date of Gateway determination)	November 2016 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)	It is anticipated this will occur in conjunction with the public exhibition phase in December 2016 – January 2017.
Commencement and completion dates for public exhibition period	Fourteen (14) days after successful receipt of Gateway Determination. November – December 2016.
Dates for public hearing (if required)	It is not proposed for a public hearing to be held in relation to the planning proposal.
Timeframe for consideration of submissions	two (2) weeks
Timeframe for the consideration of a proposal post exhibition	Four weeks (partially in conjunction with considerations of submissions)
Date of submission to the Department of Parliamentary Counsel to finalise LEP	March 2017
Anticipated date RPA will make the plan (if delegated)	May 2017
Anticipated date RPA will forward to department for notification	May 2017

APPENDICES

Appendix 1 – Maps

Appendix 1a – Subject land location map

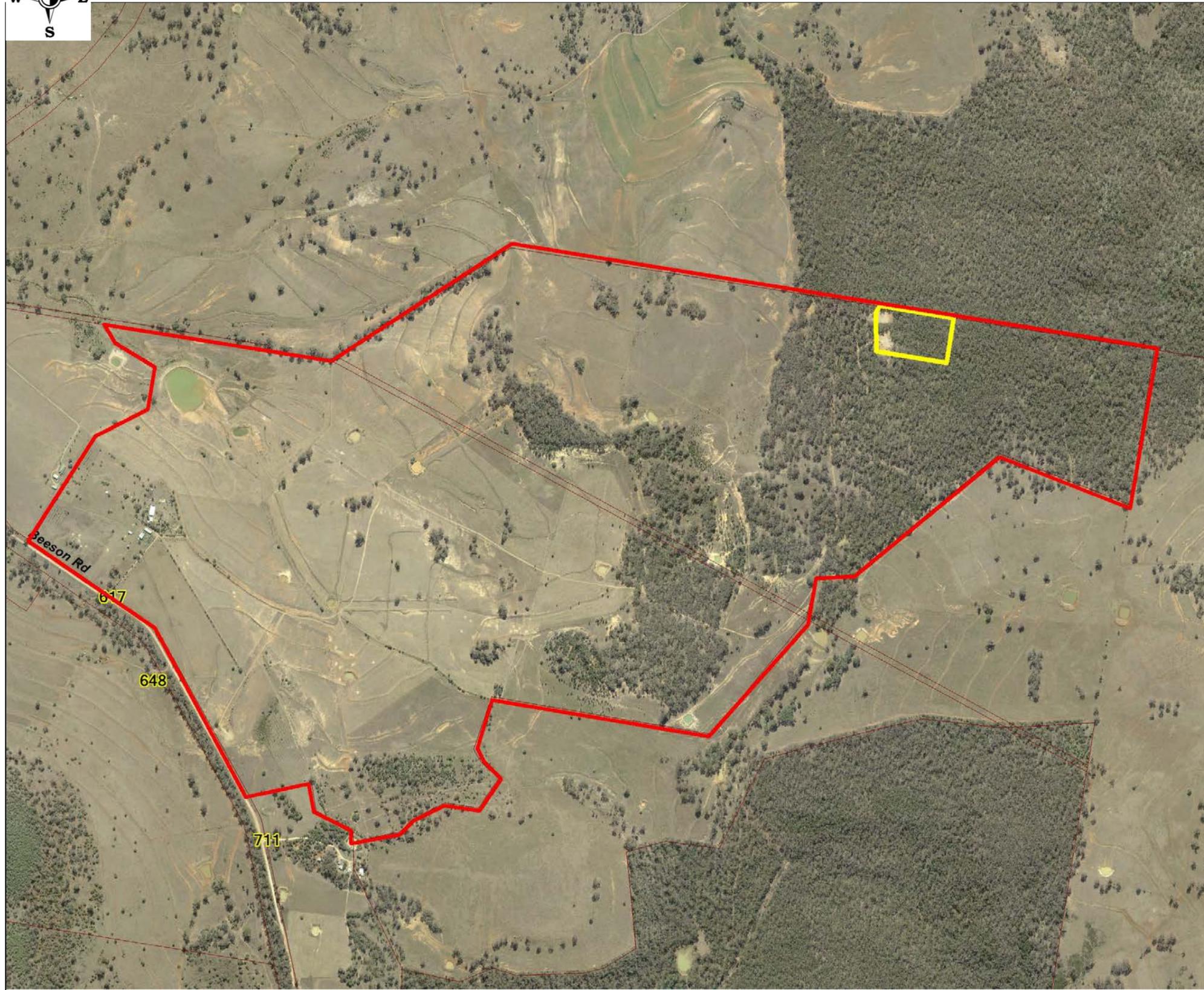


Subject land location map

Subject Land Address
617 Beeson Road, Gunnedah

Property Description:
Lot 40 DP 829890

Appendix 1b – Subject land aerial image



Subject land aerial image

Subject Land Address

617 Beeson Road, Gunnedah

Subject Land Description

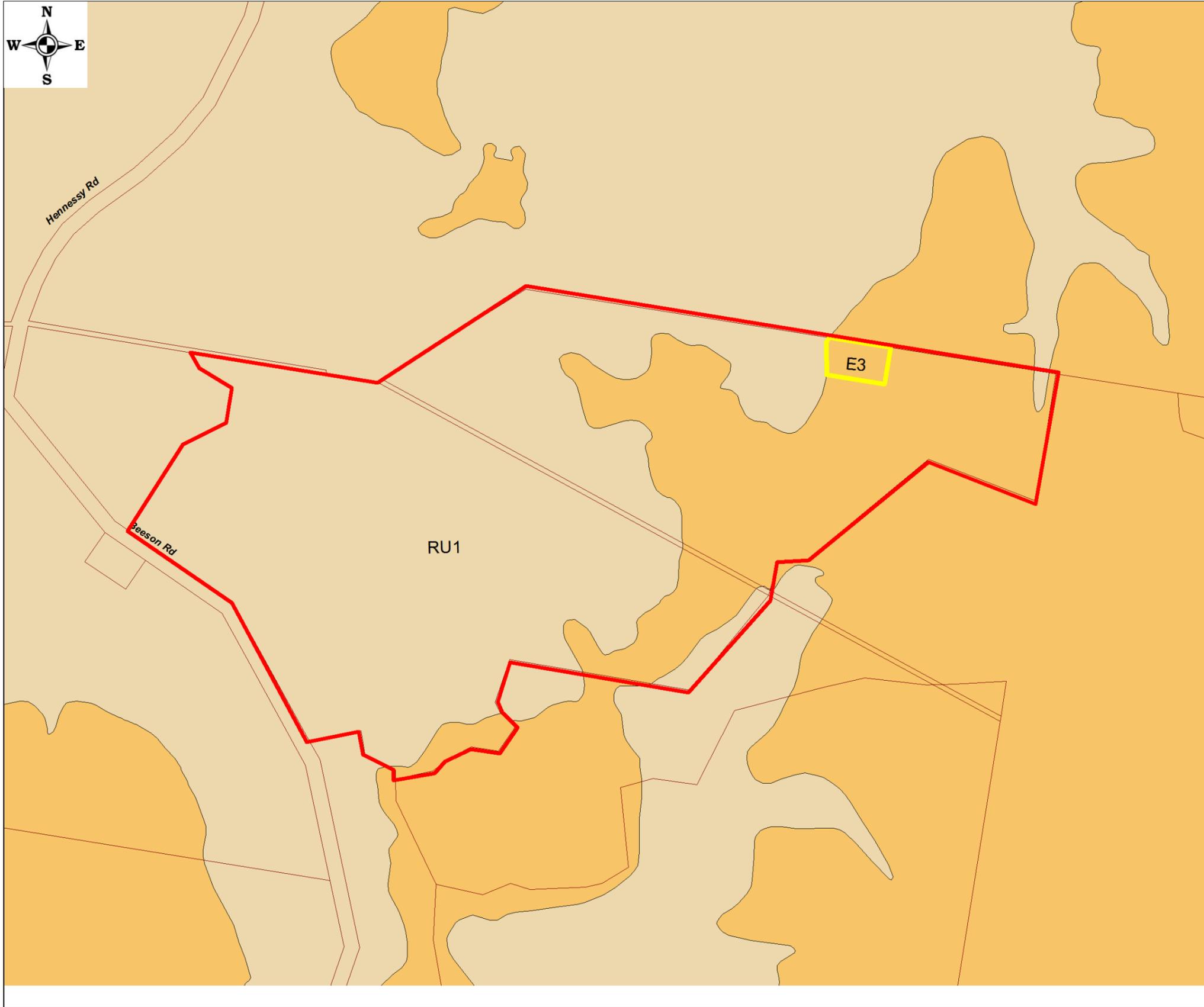
Lot 40 DP 829890

LEGEND

 = Subject Land

 = Area proposed to be rezoned

Appendix 1c - Subject land current land zoning map



Subject land current land zoning map

(Land Zoning Map – Sheet LZN_002)

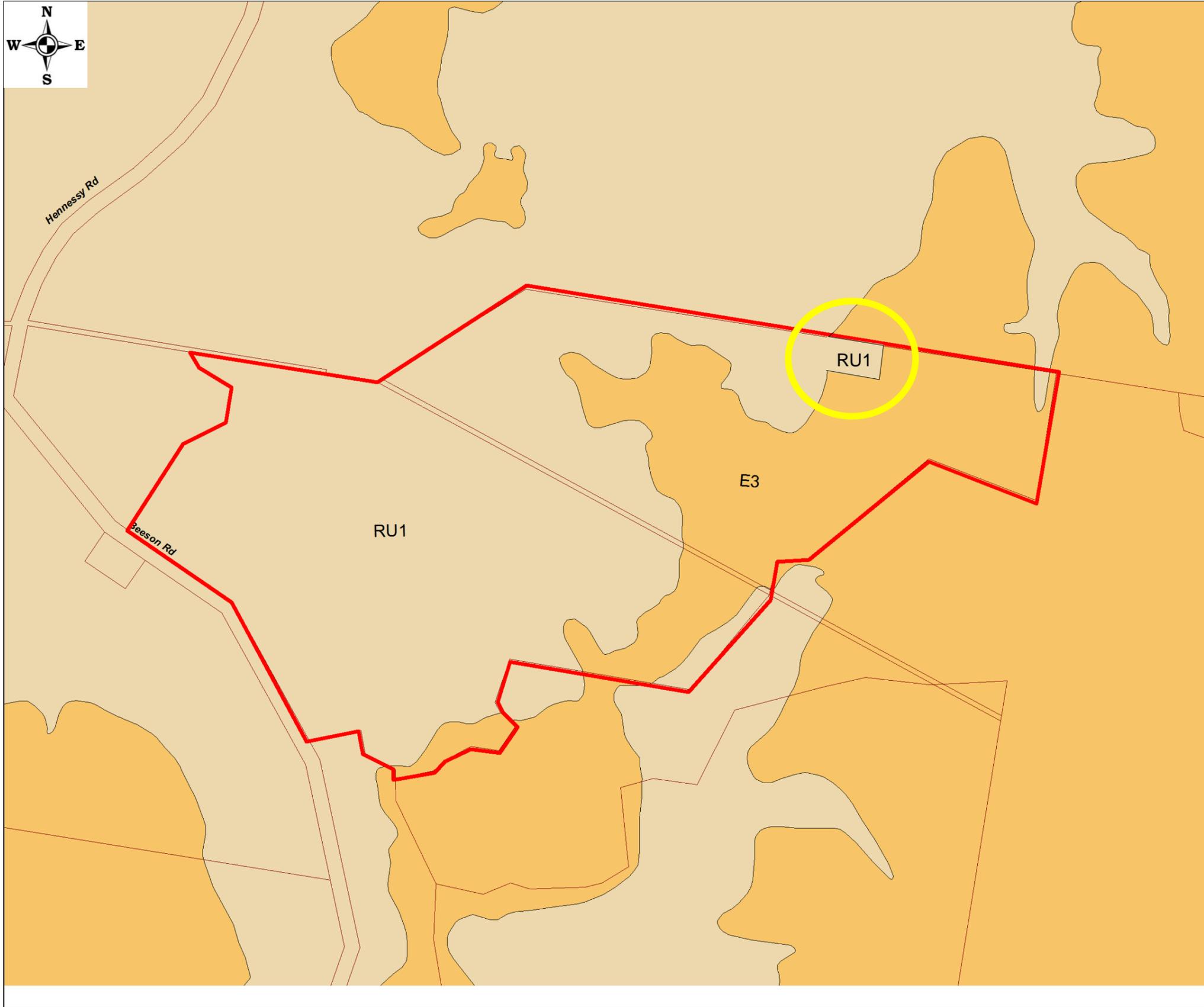
Subject Land Address
617 Beeson Road, Gunnedah

Subject Land Description
Lot 40 DP 829890

LEGEND

- Zone**
- B2 Local Centre
 - B4 Mixed Use
 - B5 Business Development
 - E1 National Parks and Nature Reserves
 - E3 Environmental Management
 - IN1 General Industrial
 - IN3 Heavy Industrial
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R5 Large Lot Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU3 Forestry
 - RU4 Primary Production Small Lots
 - RU5 Village
 - RU6 Transition
 - SP1 Special Activities
 - SP2 Infrastructure
- = Subject Land
- = Area proposed to be rezoned

Appendix 1d – Subject land proposed land zoning map



Subject land proposed land zoning map

(Land Zoning Map – Sheet LZN_002)

Subject Land Address

617 Beeson Road, Gunnedah

Subject Land Description

Lot 40 DP 829890

LEGEND

Zone

- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E3 Environmental Management
- IN1 General Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village
- RU6 Transition
- SP1 Special Activities
- SP2 Infrastructure

= Subject Land

= Area proposed to be rezoned

Appendix 2 – Vegetation Assessment Report



Realising potential

3 August 2016

Mr Adam Ortiger
Monteath & Powys Pty Ltd
88 Marquis Street
GUNNEDAH NSW 2390

Dear Adam

Re: Vegetation Assessment - 617 Beeson Road, Milroy NSW.

I refer to the proposed rezoning of approximately 3ha at the property "Mountain View" located at 617 Beeson Road, Milroy (Lot 240 DP 829890).

It is understood that a private quarry has been in operation at the subject site for approximately 20 years as shown in **Figure 1** and **Figure 2**. The operation of the quarry has recently changed and as a result the property owner, Ms Sandra Strong, and the current quarry operator, Darren Jones Contracting Pty Ltd, are seeking to have the quarry formally registered as a commercial operation (the Proposal).

The subject site is currently zoned **E3 – Environmental Management** under the *Gunnedah Local Environmental Plan 2012* (LEP). It is proposed that the subject site be rezoned to **RU1 – Primary Production** to enable the operation of a registered quarry. Following approval, the operation of the quarry would require progressive clearing of the vegetation surrounding the existing quarry.

A vegetation assessment was conducted by Constructive Solutions Pty Ltd on 13 July 2016 which included a desktop assessment of online biodiversity databases followed by a site inspection.

Online biodiversity databases assessed include:

- BioNet Atlas of NSW Wildlife;
- Federal Government Protected Matters Search Tool (PMST); and
- Namoi Catchment Management Authority (CMA) Regional Vegetation Community (RVC) mapping (NSW SixMaps Viewer).

The database searches indicated that a total of twenty-nine (29) threatened species or populations and five (5) threatened ecological communities (TECs)

are considered likely to occur within a 10km radius of the subject site as listed in

ATTACHMENT A. According to Namoi CMA mapping, the vegetation community within the subject site is mapped as White Box – pine – Silver-leaved Ironbark shrubby open forests, Brigalow Belt South and Nandewar Bioregion (RVC 44).

The aim of the site assessment was to validate the vegetation mapping and assess the likelihood of the Proposal to impact on the threatened species listed in **ATTACHMENT A.**

Site inspection and results:

Aerial imagery from Google Earth (2016) indicates a small portion of the subject site has previously been cleared for quarrying activities however a stand of uniform vegetation remains across the remainder of the subject site. The vegetation within the subject site showed evidence of historic burning, which was confirmed anecdotally by the quarry operator, Darren Jones, as per discussions held during the site inspection. The species composition present aligned with the mapped vegetation community, RVC 44 (refer **Figure 3** and **Figure 4**).

Groundcover species were predominantly native and included *Bulbine* sp., *Crassula* sp., *Gonocarpus elatus*, *Austrostipa aristiglumis* (Plains Grass), *Austrostipa scabra* (Speargrass), *Aristida personata* (Purple Wire Grass), *Gahnia aspera* (Rough Saw-sedge), *Cyperus fulvus* (Sticky Sedge), *Solanum parvifolium*, *Chrysocephalum apiculatum* (Yellow Buttons), *Paspalidium* sp. *Podolepis* sp., *Oxalis* sp., *Actinotus gibbonsii*, *Lepidosperma laterale*, *Opuntia stricta* (Prickly Pear). A shrub layer was present and consisted of *Acacia leiocalyx* (Black Wattle), *Dodonaea viscosa* (Sticky Hop-bush), *Einadia hastata* (Berry Saltbush), juvenile *Allocasuarina luehmannii* (Buloke), and *Melichrus urceolatus* (Urn-heath). The midstorey consisted of *Callitris glaucophylla* (White Cypress Pine), and *Notelaea microcarpa* (Native Olive). The overstorey was well established however projected foliage cover was low given recent fire history. Dominant overstorey species were *Eucalyptus crebra* (Narrow-leaved Ironbark), White Cypress Pine, and Buloke.

The vegetation community present within the subject site does not form any of the TECs listed in **ATTACHMENT A.**

No hollow-bearing trees were observed within the subject site, therefore it is unlikely that any hollow-dwelling fauna (arboreal) fauna roost or nest will be impacted by the proposal. A few piles of large wood debris (LWD) are scattered across the subject site which were obviously discarded from clearing undertaken as part of the original quarry development (**Figure 5** and **Figure 6**). LWD provides habitat and shelter for ground-dwelling fauna. As these will have to be moved for the proposed quarry expansion, it is recommended that they are distributed to the adjacent forested areas.

Given the small area of vegetation clearing proposed (i.e.: less than 2.5ha), recent fire history, low habitat value and the general location of the subject site on the edge of contiguous stand of vegetation (approximately 2,200ha), it is considered unlikely that the proposed rezoning will have a significant impact on the vegetation community, or threatened species that may inhabit or utilise it.

The impact footprint is located within the Gunnedah Shire Council local government area, which is listed under Schedule 1 of *State Environment Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44). The site was assessed for evidence of a resident population of koalas (e.g. scats, scratches) and potential koala habitat. No evidence of resident koalas was identified within the subject site, and no koala feed tree species (listed under Schedule 2 of SEPP 44) were present on site. It is therefore considered that the subject site does not form core or potential koala habitat.

In summary, it is considered that the rezoning of the subject site is unlikely to impact on any threatened species, populations or TECs.

Please be advised that in accordance with Schedule 2 (s19) of the *Environment Planning and Assessment (EP & A) Regulation 2000* an environmental impact statement (EIS) is required for all quarrying activities (extractive industries):

- a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or
- b) that disturb or will disturb a total surface area of more than 2ha of land by:
 - i) clearing or excavating, or
 - ii) constructing dams, ponds, drains, roads or conveyors, or
 - iii) storing or depositing overburden, extractive material or tailings, or
- c) that are located:
 - i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or
 - ii) within 200 metres of a coastline, or
 - iii) in an area of contaminated soil or acid sulphate soil, or
 - iv) on land that slopes at more than 18 degrees to the horizontal, or
 - v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or
 - vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.

This letter of advice does not meet the requirements of an EIS or a review of environmental factors as defined under the *EP&A Act 1979* or the *EP&A Regulation 2000*.

Should you wish to discuss any aspects of this assessment, please contact me at the office on (02) 6762 1969 or by email: admin@constructivesolutions.com.au .

Yours faithfully,



Emily Southwell
Environmental Scientist

Figure 1: Existing private quarry site.



Figure 2: Existing private quarry site.



Figure 3: Vegetation at the north-eastern extend of the subject site. Note evidence of fire history.



Figure 4: Vegetation on the south-eastern extent of the subject site.



Figure 5: Pile of large woody debris located at the edge of the existing quarry.



Figure 6: Pile of large woody debris located at the edge of the existing quarry.



ATTACHMENT A:

Threatened species search results and likelihood of occurrence.

An assessment of the likelihood of occurrence was undertaken for the threatened species identified in the BioNet Atlas of NSW Wildlife (BioNet) and the EPBC Protected Matters Search Tool (PMST).

Each species was classified into one category of likelihood to occur. This was informed by the desktop assessment, incorporating previous records in the area, literature review of the species' ecology and distribution, results from the site inspection and professional judgement. The results are presented below in

Key:

Likelihood of occurrence:	<p>Known = The species has been previously recorded, or was observed on site;</p> <p>Likely = A medium to high possibility that the species uses the site</p> <p>Potential = Suitable habitat for the species occurs on site, but there is insufficient information to categorise the species as likely or unlikely to occur</p> <p>Unlikely = A low to very low possibility that a species uses the site</p> <p>No = Habitat on site and in the vicinity is unsuitable for the species</p>
Likelihood of impact:	<p>Yes = The species' habitat may be directly or indirectly impacted by the Proposal, therefore an assessment of significance should be completed.</p> <p>No = The species' habitat will not be impacted by the Proposal, therefore an assessment of significance is not required.</p>
EPBC Status	<p>CE = Critically endangered</p> <p>E = Endangered</p> <p>V = Vulnerable</p> <p>M = Marine</p> <p>Mi = Migratory</p>
TSC Status	<p>CE = Critically endangered</p> <p>E = Endangered</p> <p>V = Vulnerable</p> <p>P = Protected</p>

Table 1: Threatened Species Likelihood of Occurrence

Class	Scientific Name	Common Name	EPBC Status	TSC Status	Likelihood of occurrence	Likelihood of impact
Birds	<i>Anthochaera phrygia</i>	Regent Honeyeater	CE	CE	Potential	No
	<i>Apus pacificus</i>	Fork-tailed Swift	M, Mi		Unlikely	No
	<i>Ardea alba</i>	Great Egret	M		Unlikely	No
	<i>Ardea ibis</i>	Cattle Egret	M		Unlikely	No
	<i>Gallinago hardwickii</i>	Latham's Snipe	Mi		Unlikely	No
	<i>Grantiella picta</i>	Painted Honeyeater	V	V	Potential	No
	<i>Hirundapus caudacutus</i>	White-throated Needletail	M, Mi		Unlikely	No
	<i>Lathamus discolor</i>	Swift Parrot	CE, M	E	Potential	No
	<i>Leipoa ocellata</i>	Malleefowl	V	E	Unlikely	No
	<i>Merops ornatus</i>	Rainbow Bee-eater	M		Unlikely	No
	<i>Motacilla flava</i>	Yellow Wagtail	M, Mi		Unlikely	No
	<i>Myiagra cyanoleuca</i>	Satin Flycatcher	M, Mi		Potential	No
	<i>Pyrrholaemus sagittata</i>	Speckled Warbler		V	Potential	No
	<i>Rhipidura rufifrons</i>	Rufous Fantail	M, Mi		Unlikely	No
<i>Rostratula australis</i>	Australian Painted Snipe	E, M	E	Unlikely	No	
Fish	<i>Maccullochella peelii</i>	Murray Cod	V		No	No
Frogs	<i>Litoria booroolongensis</i>	Booroolong Frog	E	E	No	No
Mammals	<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	No	No
	<i>Dasyurus maculatus maculatus</i>	Spot-tailed Quoll	E	V	No	No
	<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	V	V	No	No
	<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby	V	E	No	No
	<i>Phascolarctos cinereus</i>	Koala	V	V	Potential	No
	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	Potential	No
Plants	<i>Euphrasia arguta</i>		CE	CE	Unlikely	No
	<i>Philothea ericifolia</i>		V		Unlikely	No
	<i>Prasophyllum petilum</i>		E	E	Unlikely	No
	<i>Prasophyllum sp. Wybong</i>	A leek-orchid	CE		Unlikely	No
	<i>Swainsona murrayana</i>	Slender Darling-pea	V	V	Unlikely	No
	<i>Tylophora linearis</i>		E	V	Unlikely	No

Class	Scientific Name	Common Name	EPBC Status	TSC Status	Likelihood of occurrence	Likelihood of impact
TEC	Coolibah - Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions		E		No	No
	Grey Box (<i>Eucalyptus microcarpa</i>) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia		E		No	No
	Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland		CE		No	No
	Weeping Myall Woodlands		E		No	No
	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland		CE		No	No

Appendix 3 – Council Resolution (21.08/16)

Ordinary Meeting Minutes of Gunnedah Shire Council held on Wednesday 24 August 2016

11. **PLANNING AND ENVIRONMENTAL SERVICES**

11.3 PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – REZONE PART OF MOUNTAIN VIEW, 617 BEESON ROAD, GUNNEDAH

AUTHOR Project Town Planner

*Council Resolution
Moved Councillor RG
SWAIN Seconded
Councillor R RYAN*

21.08/16 COUNCIL RESOLUTIONS:

That Council resolve to:

1. Prepare a draft planning proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) for an amendment to the Gunnedah Local Environmental Plan 2012 to:
 - a) Rezone part of Lot 240 DP829890, 617 Beeson Road, Gunnedah from E3 *Environmental Management* to RU1 *Primary Production*;
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 Act; 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 Act in respect of the planning proposal.

Appendix 4 – Attachment 4: Evaluation criteria for the delegation of plan making functions

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: 617 Beeson Road rezoning planning proposal

Address of Land (if applicable): 617 Beeson Road, Gunnedah

Intent of draft LEP: Rezone part Lot 40 DP829890, 617 Beeson Road, Gunnedah from E3 Environmental Management to RU1 Primary Production under provisions contained in the Gunnedah Local Environmental Plan 2012.

Additional Supporting Points/Information: Nil

<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?	N			
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/A		
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/A		
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/A		
If yes, does the planning proposal contain sufficient documented justification		N/A		

to enable the matter to proceed?				
Does the planning proposal create an exception to a mapped development standard?		N/A		
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.