

ITEM	Planning Proposal to amendment the Gunnedah Local Environmental Plan 2012 – Rezone part of ‘Mountain View’, 617 Beeson Road, Gunnedah
MEETING	Ordinary Meeting – 24 August 2016
DIRECTORATE	Planning & Environmental Services
AUTHOR	Project Town Planner
POLICY	Nil
LEGAL	Environmental Planning and Assessment Act 1979, and Local Government Act 1939
FINANCIAL	Nil
STRATEGIC LINK	Community Strategic Plan 1.2.2 Implement a fully integrated planning framework that aligns to Council plans and guides the development of Gunnedah area. Operational Plan 1.2.2.4 Assess and process development proposals in accordance with the Environmental Planning and Assessment Act 1979
ATTACHMENTS	Nil

OFFICER’S RECOMMENDATIONS:

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) Rezone part of Lot 240 DP 829890, 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.
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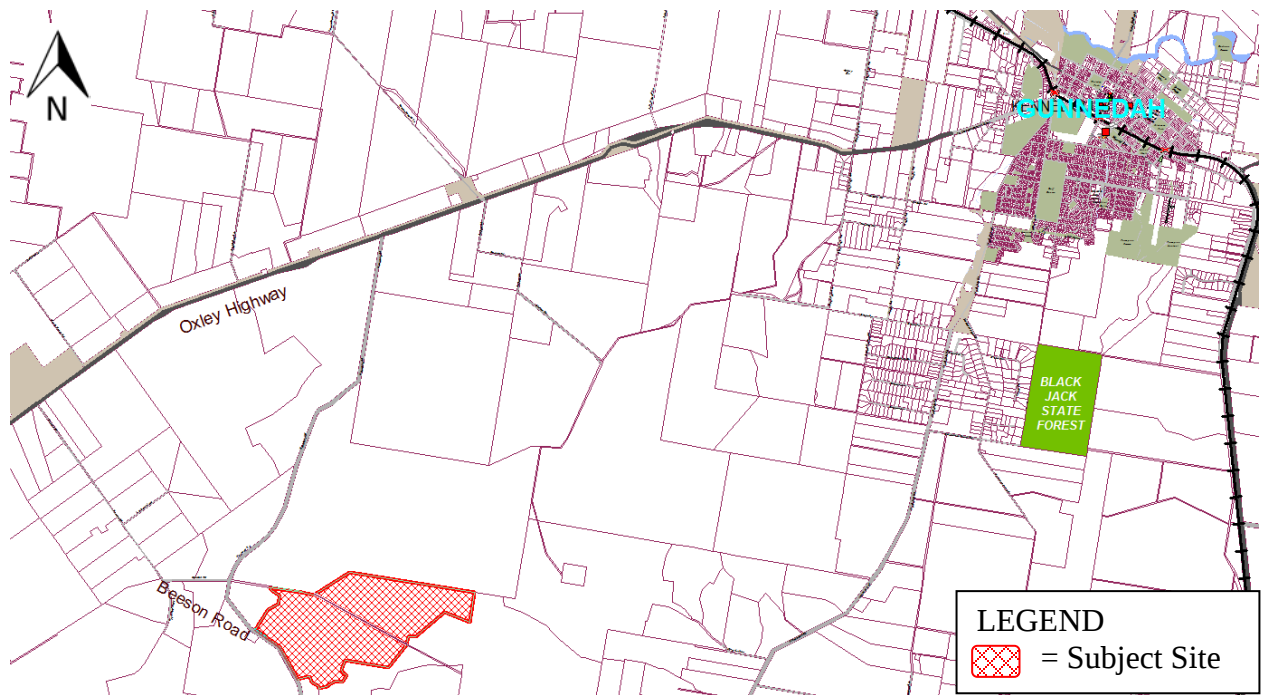
PURPOSE

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

COMMENTARY

Council has received an application to amend the Gunnedah *Local Environmental Plan 2012*. The submitted planning proposal aims to rezone a portion of Lot 240 DP 829890, 617 Beeson Road, Gunnedah from E3 *Environmental Management* to RU1 *Primary Production* under the provisions of the Gunnedah *Local Environmental Plan 2012*. The subject land is located approximately 27 kilometres south west of Gunnedah. Approximately 7 kilometres from the intersection of Oxley Highway and Beeson Road as identified in Figure 1.

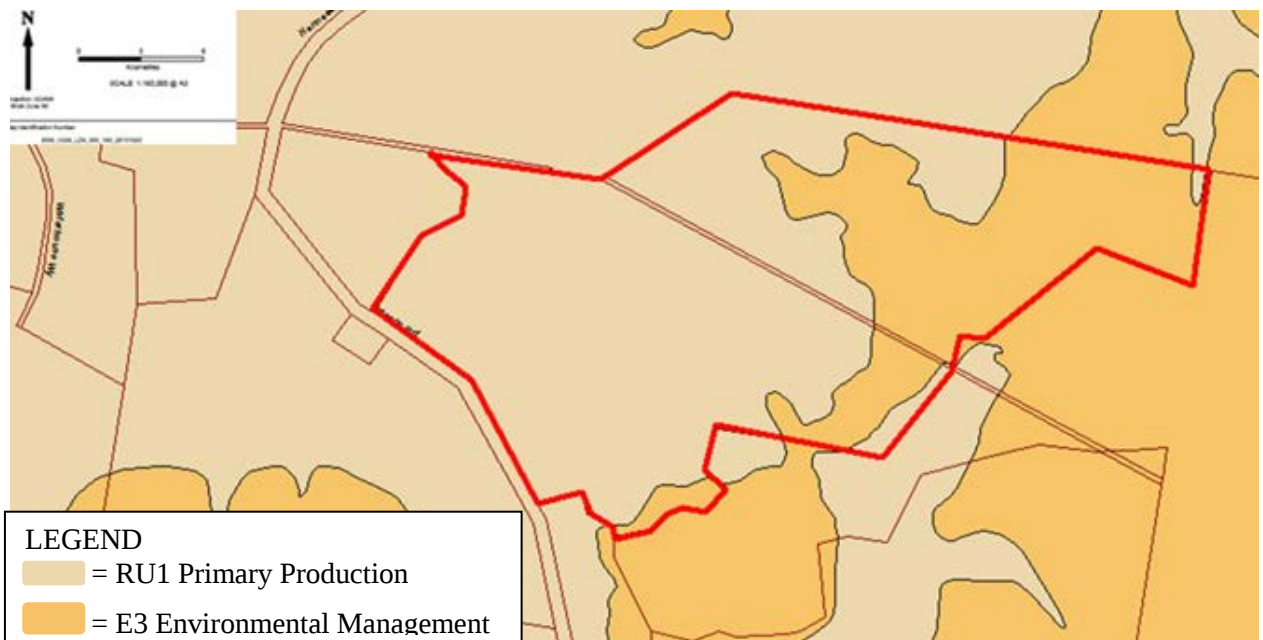
Figure 1: Location map of subject site



Subject site current land zoning

The subject site is predominantly zoned RU1 *Primary Production*, with a portion of the eastern section of the site zoned E3 *Environmental Management* under the provisions of the Gunnedah LEP 2012 (as identified in Figure 2).

Figure 2: Subject site current land zone map

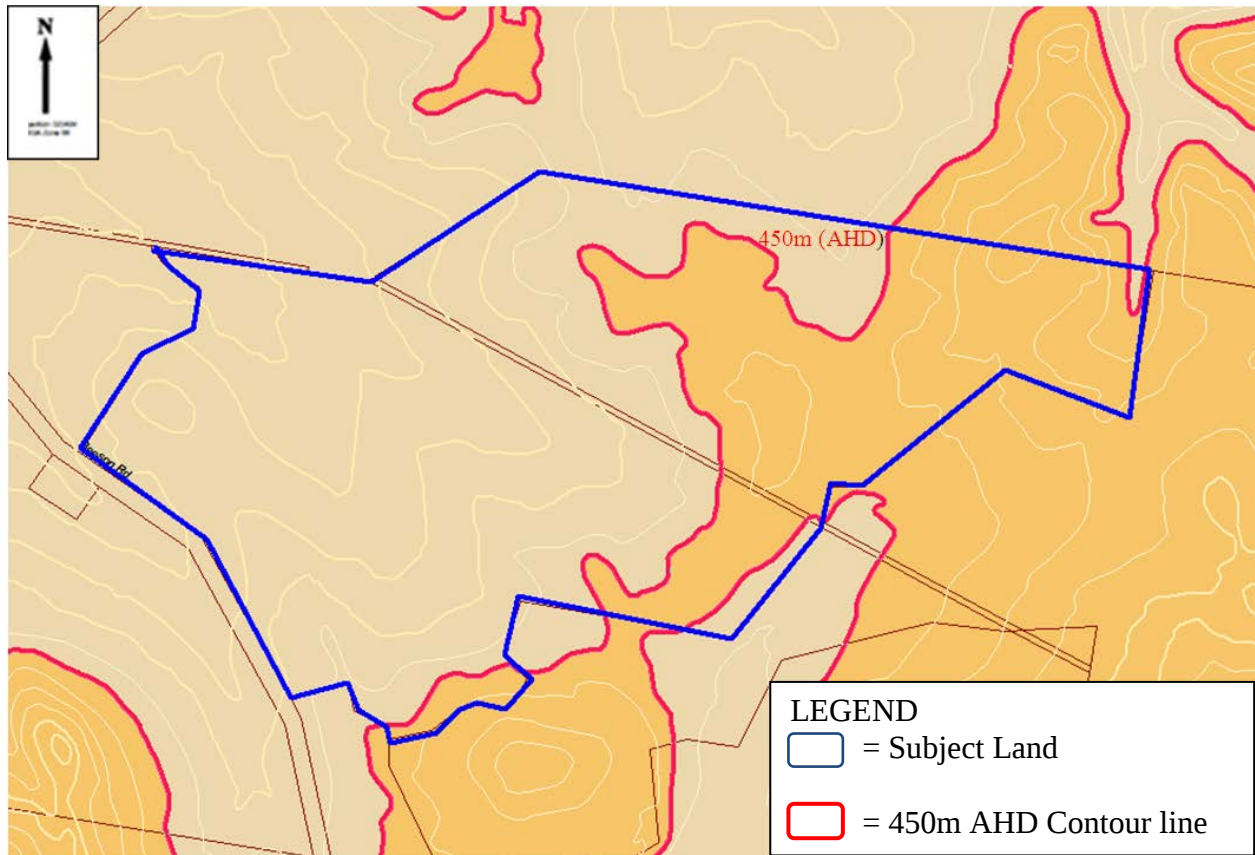


The delineation of the E3 *Environmental Management* zone within Gunnedah Shire was determined by topographic mapping, with land greater than 450 metres Australian Height Datum (AHD) in elevation being zoned E3 *Environmental Management* (identified in Figure 3). The environmental management zone is identified as generally containing land which has undulating topography and large areas of remnant vegetation. The objective of the E3 *Environmental Management* zone is 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.

Figure 3: Contour map identifying 450m AHD contour line in relation to subject site



Planning Proposal

The planning proposal aims to rezone a minor portion of the subject site (approximately 3.8ha) from E3 *Environmental Management* to RU1 *Primary Production* under the Gunnedah *Local Environmental Plan 2012*. The purpose of the rezoning is to enable the lodgement a development application for a quarry (*extractive industry*). The subject site was previously utilised as a small, private quarry but has ceased operation. The proponent is seeking to re-establish, commercialise and expand the operation. This requires development consent to be obtained. The location of the proposed 'extractive industry' is currently located partially within the RU1 *Primary Production* zone and partially within the E3 *Environmental Management* zone. Under the provisions of the LEP, the proposed development is prohibited within the E3 *Environmental Management* zone. Extractive industries are however, permitted with consent, in the RU1 *Primary Production* zone. Hence, the planning proposal seeks to amend the Gunnedah *Local Environmental Plan 2012* to enable all the quarry area to be located within the RU1 *Primary Production* zone.

The proposed rezoning of the subject site is identified in figures 4 and 5.

Figure 4: Proposed area to be rezoned

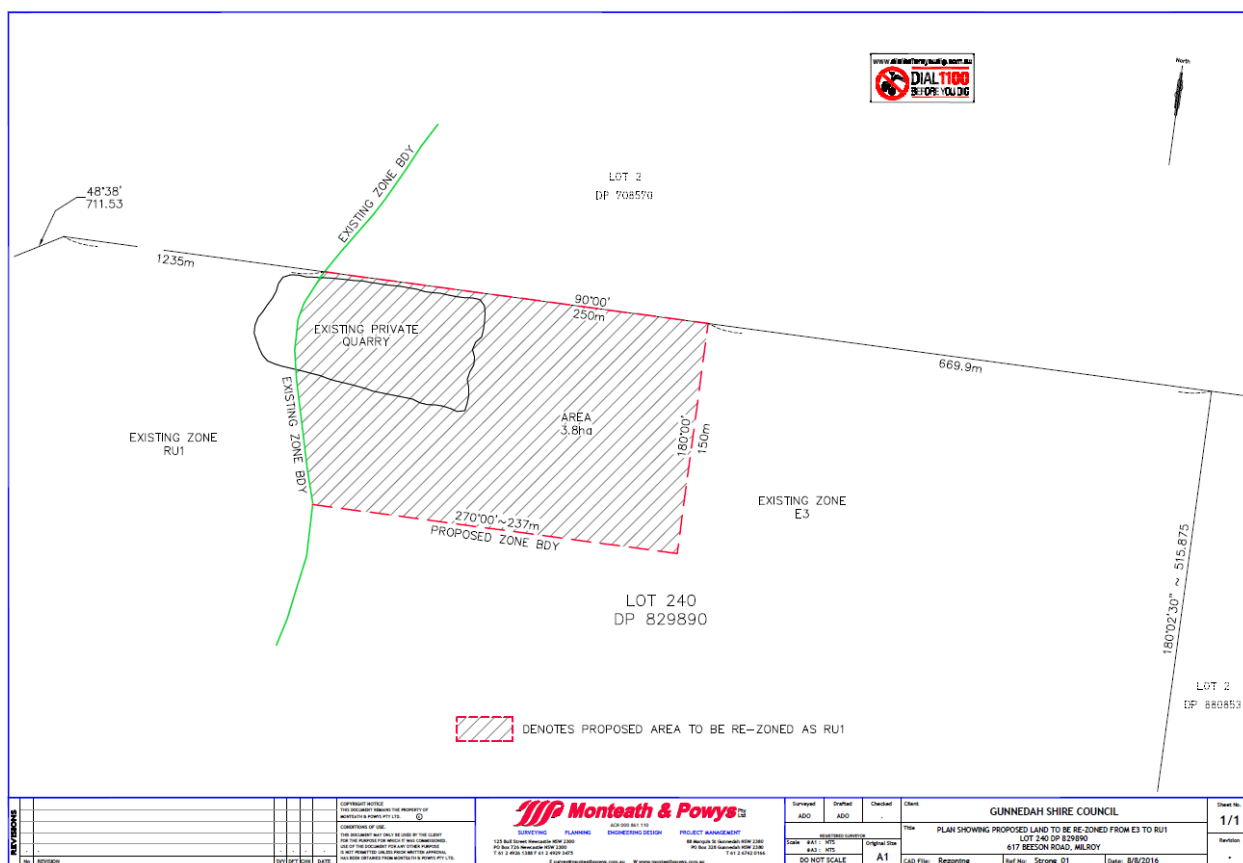
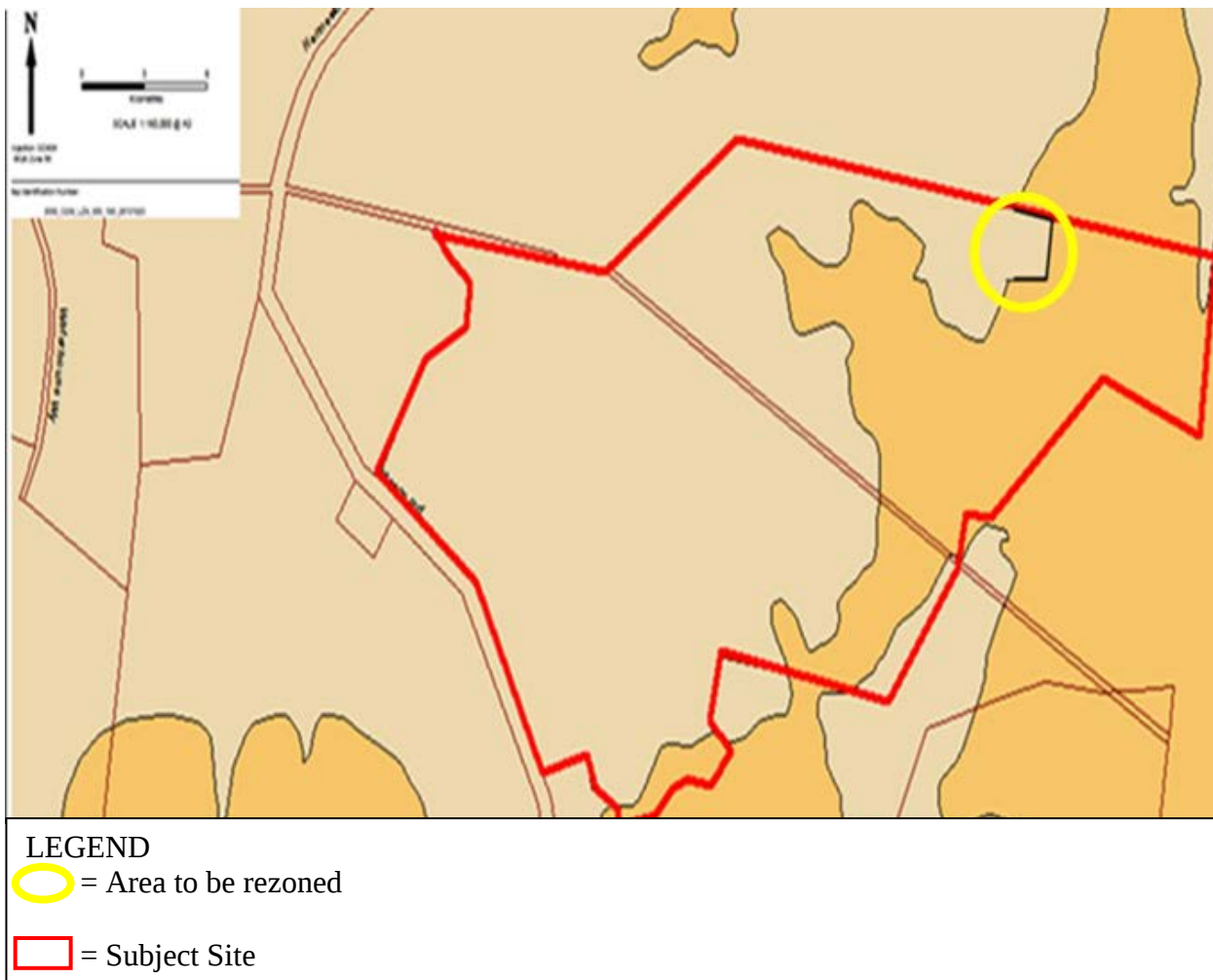


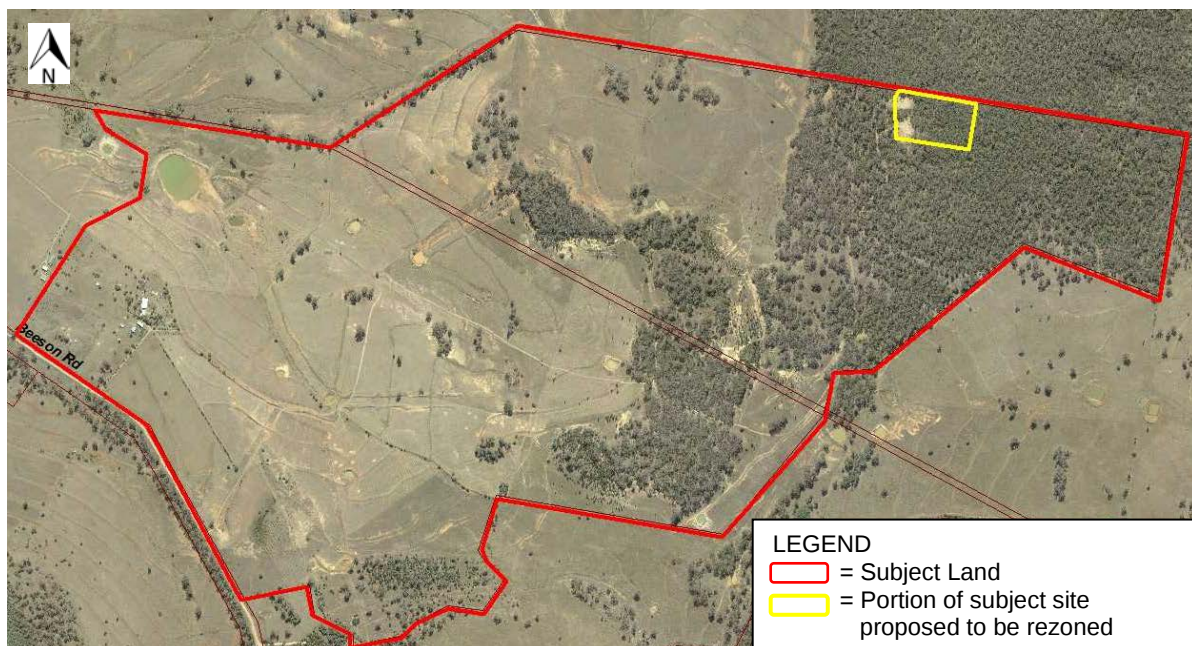
Figure 5: Proposed land zoning map of subject site



Existing site use and vegetation

The subject site has a long history of agricultural use. A majority of the site contains cleared land utilised for agricultural purposes. Figure 6 identifies an aerial image of subject site and clearly identifies the area proposed to be rezoned is heavily vegetated. Subsequent to the lodgement of the planning proposal, the proponent was requested to provide Council with a vegetation assessment of the area proposed to be rezoned, outlining the vegetation present and likely to be impacted by the proposed rezoning. The vegetation assessment provided to Council concludes *“the proposed rezoning of the subject site is unlikely to impact on any threatened species, populations or threatened ecological communities”*. If successful in receiving Gateway Determination from the Department of Planning and Environment, the planning proposal will be forwarded to the Office of Environment and Heritage for comment. Any future development application will be subject to an assessment under *State Environmental Planning Policy No. 44 (Koala Habitat Protection)*.

Figure 6: Aerial image of the subject site identifying the portion of the site proposed to be rezoned



Local or regional plans or strategies and the planning proposal

The planning proposal document and a previous submission to Council regarding the permissibility of the proposed extractive industry indicates that the proposed extractive industry may result in the creation of 1-3 jobs and the provision of additional gravel material for road construction in Gunnedah Shire. 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 proposed rezoning is considered consistent with the *New England North West Strategic Regional Land Use Plan 2012*.

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 proposed rezoning is considered consistent with the *Gunnedah Community Strategic Plan 2012-2022*.

CONCLUSION

Given the planning proposal's consistency with the *New England North West Strategic Regional Land Use Plan 2012* and the *Gunnedah Community Strategic Plan 2012-2022*, and the unlikely impact of

the planning proposal on significant or endangered vegetation, species or ecological communities, it is recommended the planning proposal to amend the Gunnedah *Local Environmental Plan 2012* be supported.