

Planning and Assessment

IRF21/140

Gateway determination report

LGA	Gunnedah Shire Council
PPA	Gunnedah Shire Council
NAME	To permit a caravan park as an additional permitted use (0 homes, 0 jobs)
NUMBER	PP-2021-124
LEP TO BE AMENDED	Gunnedah LEP 2012
ADDRESS	107-109 Chandos Street, Gunnedah
DESCRIPTION	Lots 15, 16, 17 and 19 Sec 21 DP 758492
RECEIVED	15 January 2021
FILE NO.	IRF21/140
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Schedule 1 Additional permitted uses of the Gunnedah Local Environmental Plan 2012 (LEP) to include a caravan park as an additional permitted use on Lots 15, 16, 17 and 19 Sec 21 DP 758492, 107-109 Chandos Street, Gunnedah.

The proposal will help facilitate the operation of a recreational vehicle (RV) park on the land.

1.2 Site description

The land comprises four allotments owned by Council with a combined total area of 8000m². The lots are classified as operational land pursuant to the Local Government Act 1993.

The land is located on the edge of the Gunnedah CBD and is bordered by Chandos Street and Maitland Street. There is site access from both streets.

The Namoi River is located approximately 160 metres to the north of the site and runs in an east-west direction.



Figure 1: Gunnedah Shire Council LGA (Source: North Coast Regional Plan 2036 mapping)

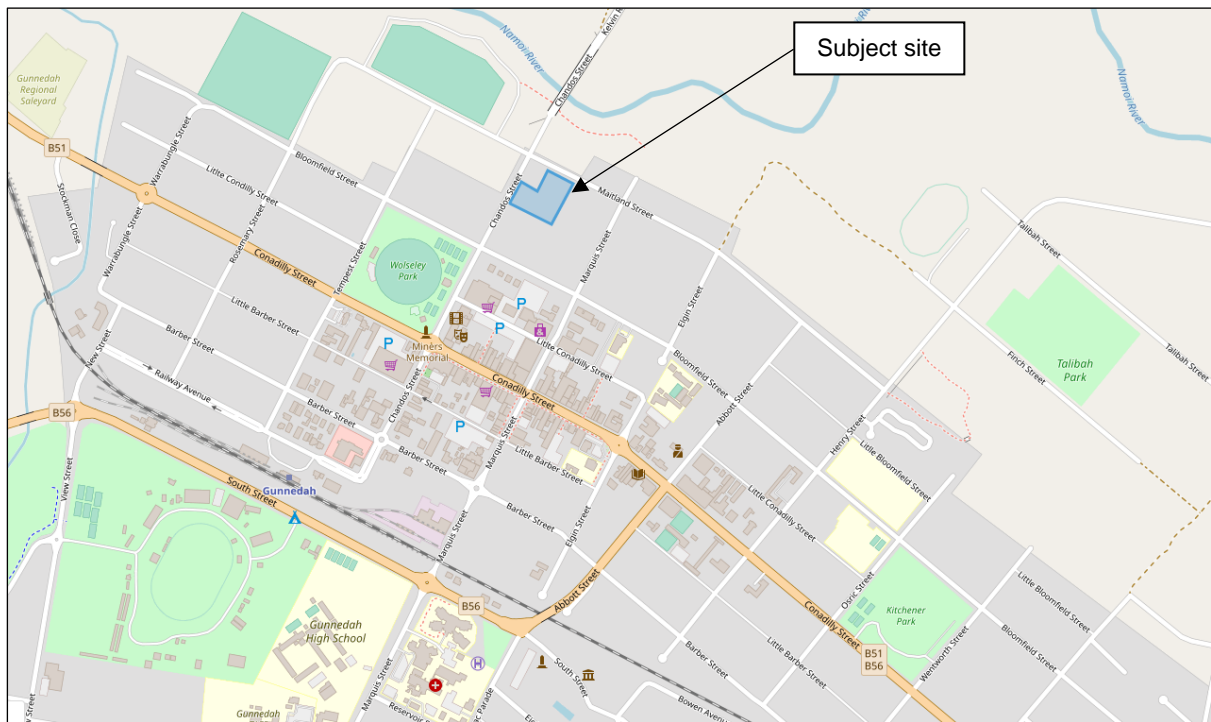


Figure 2: Site location within Gunnedah (Source: North Coast Regional Plan 2036 mapping)

1.3 Existing planning controls

The subject site is zoned RU1 Primary Production (Figure 3) pursuant to the Gunnedah LEP 2012 and has a minimum lot size of 200 hectares (Figure 4). The land is within the Flood Planning Area (Figure 5).

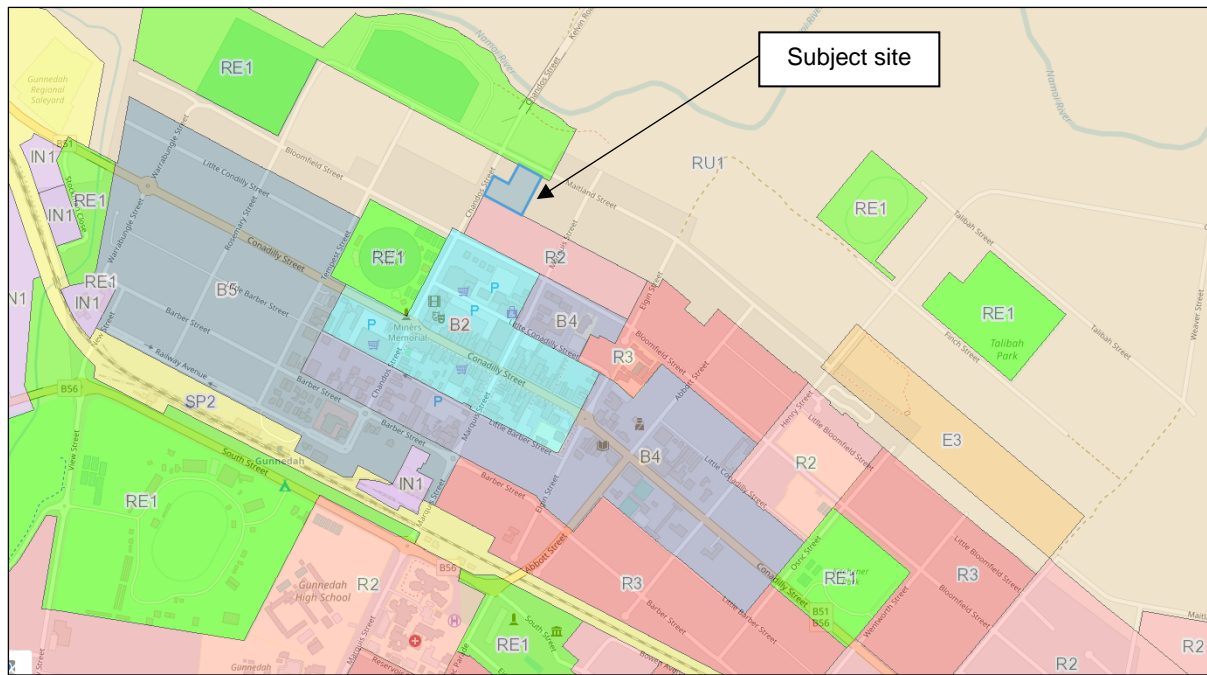


Figure 3: Zoning for subject site and surrounding area (Source: North Coast Regional Plan 2036 mapping)

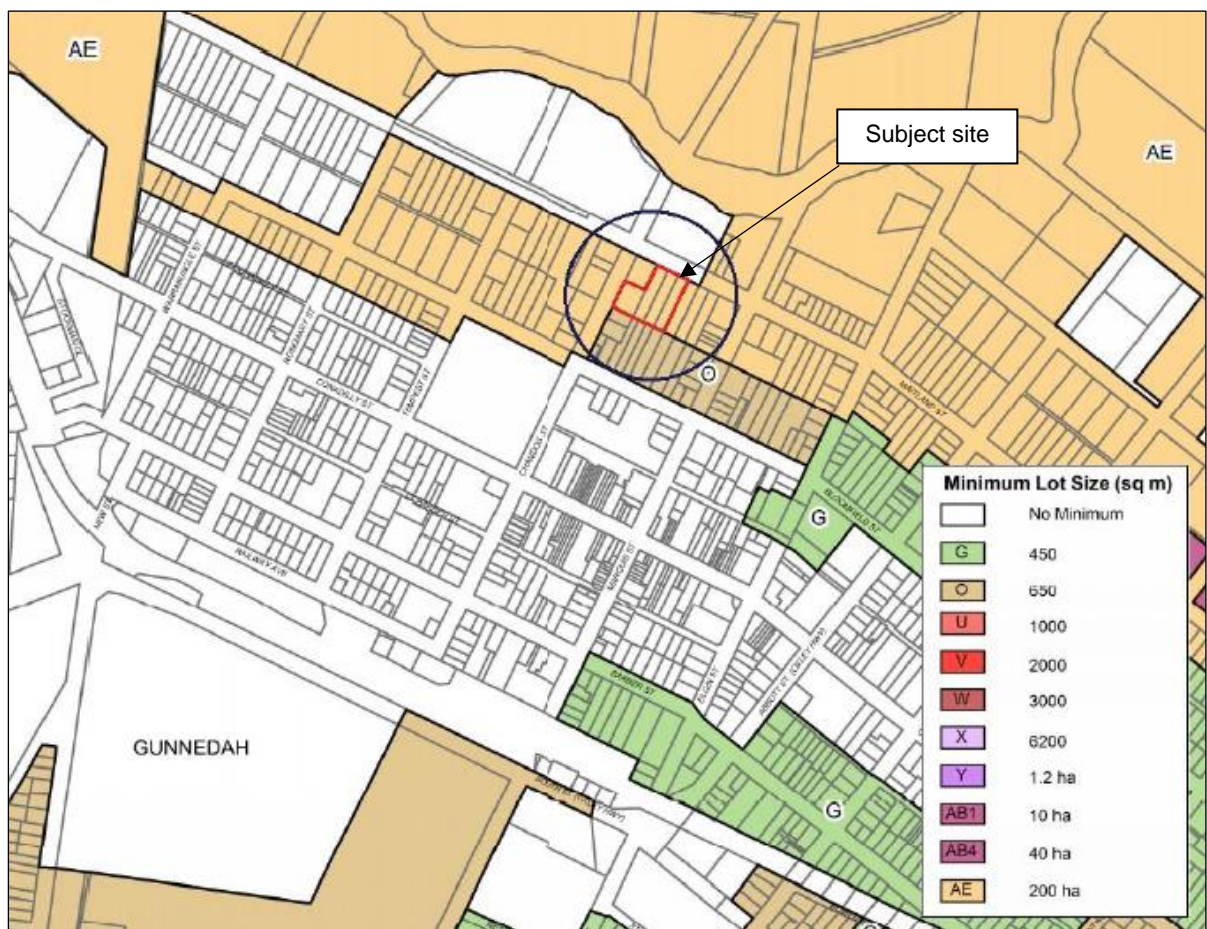


Figure 4: Minimum lot size for the subject site and surrounding area (Source: Planning Proposal)

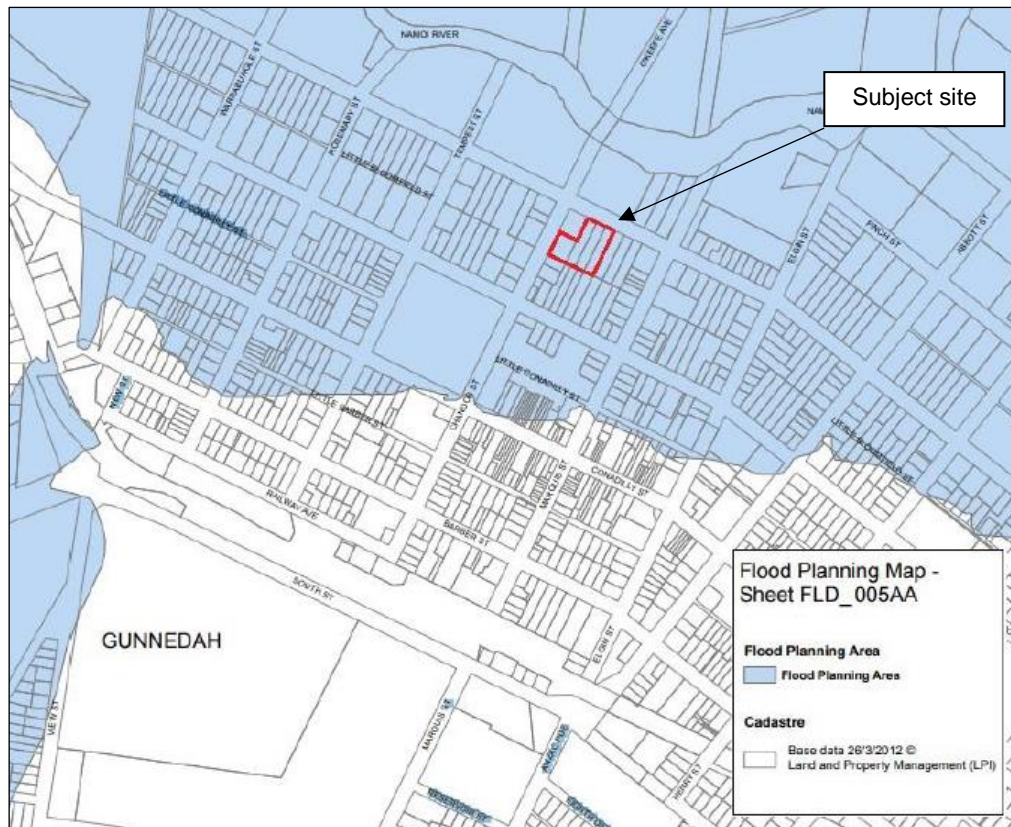


Figure 5: Flood Planning Map (Source: Planning Proposal)

1.4 Surrounding area

The land is located approximately 200m north-east of the Gunnedah CDB (Figure 6). It is adjoined to the north by the RE1 Public Recreational zone and occupied by land known as the Woolshed Reserve. Land to the south is zoned R2 Low Density Residential and is occupied by residential development. The allotment west of the subject site, directly opposite in Chandos Street, is vacant land.



Figure 6: Aerial photograph of subject site and surrounds (Source: North Coast Regional Plan 2036 mapping)

1.5 Summary of recommendation

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal does not undermine the vision, land use strategy, goals, directions or actions of the New England North West Regional Plan 2036;
- the planning proposal is consistent with the relevant planning priorities of the Gunnedah Local Strategic Planning Statement Future 2040;
- the planning proposal responds to the Themes of the Gunnedah Community Strategic Plan 2017-2027; and
- the planning proposal will contribute to the diversity of accommodation options in Gunnedah.

It is recommended that this planning proposal be supported with conditions.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to include a caravan park as an additional permitted use in Schedule 1 Additional permitted uses of the Gunnedah LEP 2012 to facilitate the operation of a RV park on the land.

The objective and intended outcome contained within the planning proposal is clearly stated and suitably detailed.

2.2 Explanation of provisions

The following amendments are proposed to the Gunnedah LEP 2012 to achieve the intended outcomes:

- amend Schedule 1 Additional permitted uses to include a caravan park as permitted with consent on Lots 15, 16, 17 and 19 Sec 21 DP 758492, 107-109 Chandos Street, Gunnedah; and
- introduce an Additional Permitted Uses Map in association with the proposed amendment to Schedule 1.

The proposed amendments are considered an acceptable means of achieving the intended outcomes.

2.3 Mapping

An Additional Permitted Use Map will need to be introduced in association with the proposed amendment to Schedule 1. The planning proposal does not contain a proposed Additional Permitted Uses map, although the land is clearly identified on other maps within the document.

It is recommended that a condition is imposed on the Gateway determination to require that the planning proposal is amended prior to agency and community consultation to include a proposed Additional Permitted Uses Map. The map will need to be prepared to the Department's Standard Technical Requirements prior to the plan being finalised.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is neither the result of a strategy nor a study. The planning proposal is the result of a site specific request which is supported by Council.

The planning proposal seeks to facilitate the use of the land as an RV park, which is considered by Council to be a benefit to the local community as it will utilise an otherwise vacant parcel of land, contribute to the diversity of accommodation options in Gunnedah, reduce the incidences of unregulated or illegal camping by providing an alternative low cost option and decrease the area of land that council is required to maintain.

4. STRATEGIC ASSESSMENT

4.1 State

The planning proposal does not contain any matters of State or regional significance.

4.2 Regional / District

The New England North West Regional Plan 2036 is relevant as follows:

Direction 1: Protect and enhance productive agricultural lands

This Direction identifies that fertile and productive agricultural land needs to be protected for long term food and fibre security.

Action 3.2 aims to limit urban and residential development of important agricultural land, including mapped Biophysical Strategic Agricultural Land (BSAL) unless it is included in a strategy which is agreed between council and the Department and consistent with the guidelines for councils on important agricultural land.

The planning proposal applies only to a small area of RU1 Primary Production land, is not identified to contain BSAL and is unlikely to be able to support any meaningful agricultural production. As such, the planning proposal is not considered to compromise this Direction.

However, it is recommended that as a condition of the Gateway determination that consultation is undertaken with the Department of Primary Industries – Agriculture to confirm the suitability of the proposal.

Direction 8: Expand tourism and visitor opportunities

This Direction identifies that there is an opportunity to expand visitation and expenditure in the New England North West. The establishment of a RV park will facilitate an alternate, low cost option for tourist accommodation in Gunnedah.

Direction 12: Adapt to natural hazards and climate change

This Direction identifies that land use planning can help minimise and manage the impacts of climate change. The land is identified flood prone (Figures 5 and 7). The Gunnedah Floodplain Management Plan identifies that the land is inundated by the 5% Annual Exceedance Probability (AEP) event (Figure 7).

Action 12.1 aims to minimise the risk of natural hazards and projected effects of climate change by identifying hazards, managing risks and avoiding vulnerable areas. As the land is flood prone, it is recommended that consultation is undertaken with the Division of Biodiversity and Conservation (BCD) and the State Emergency Services (SES) to confirm the suitability of the proposal.

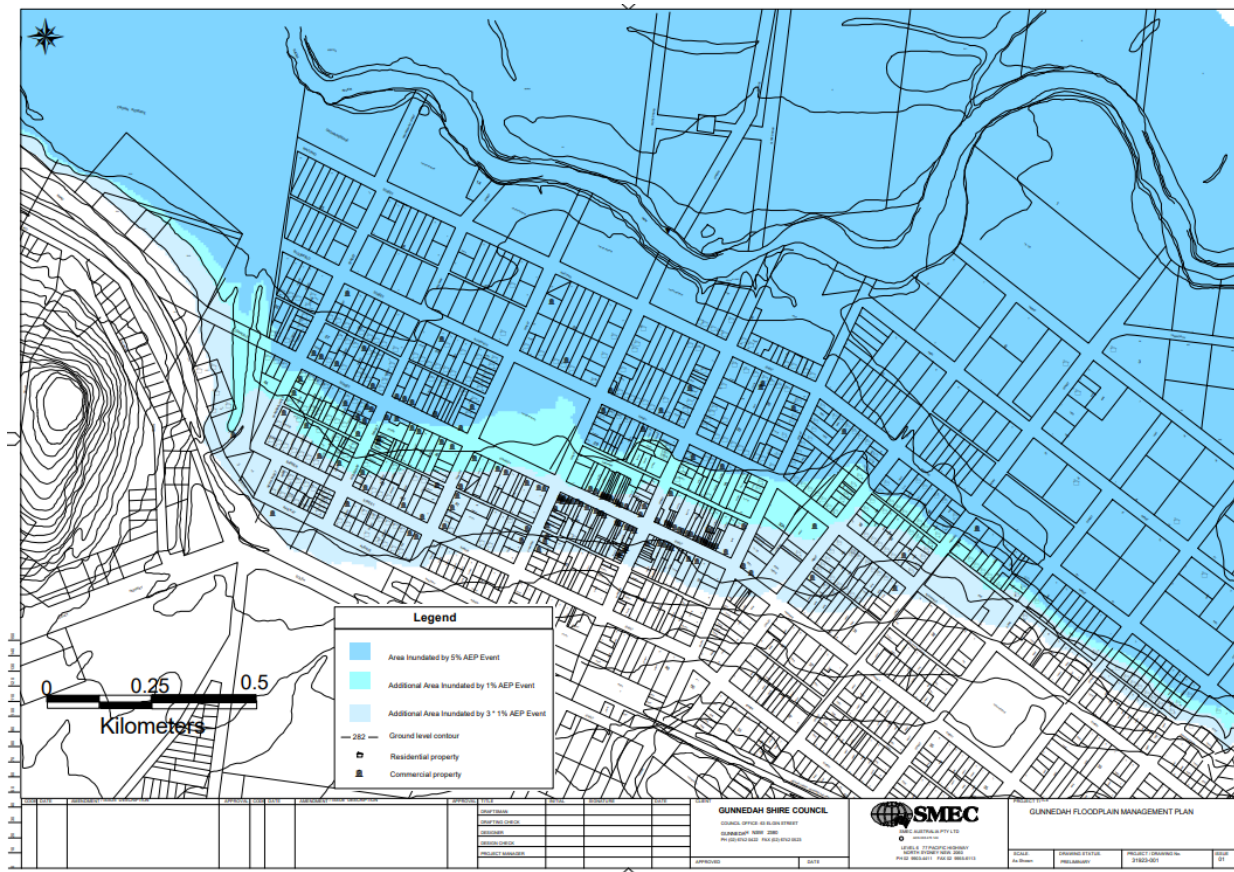


Figure 7: Namoi River flood area (Source: Gunnedah Floodplain Management Plan)

Direction 23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage

This Direction aims to improve information sharing to better manage cultural heritage. Action 23.2 seeks to ensure that Aboriginal communities are engaged throughout the preparation of local planning strategies and local plans.

A search of the Aboriginal Heritage Information System confirms that there are no Aboriginal items or sites on or within 200m of the land. However, it is recommended that a condition of the Gateway determination require that consultation is undertaken with the Local Aboriginal Land Council (LALC) to confirm the suitability of the proposal.

Local Government Narratives – Gunnedah Shire

The proposal meets the relevant priorities for the Gunnedah Shire as it supports the priority to expand nature based adventure and cultural tourism and offering a low cost accommodation offer may enhance the visitor experience.

4.3 Local

The planning proposal is consistent with the local strategic planning framework as follows:

Gunnedah Local Strategic Planning Statement

The planning proposal will help to achieve Local Planning Priority 3: Grow tourism. Specifically, the proposal to establish a RV park aligns with Council's aim to support the established tourism market, particularly amongst self-drive, rural experiences and grey nomads and capture additional passing traffic with short-stay overnight visitors.

Further, the Namoi River is considered a key asset for Gunnedah as it holds great potential to support tourism. The land is located within close proximity to the Namoi River which is consistent with the intent to leverage under-utilised areas along the river for economic opportunities.

It is noted that the planning proposal does not address the LSPS. It is recommended that a condition of the Gateway determination require that the planning proposal be amended to address the LSPS prior to agency and community consultation.

Gunnedah Community Strategic Plan

The planning proposal is consistent with the Gunnedah Community Strategic Plan (CSP). Outcome 2.3 of the CSP is “Increased tourism and promotion of the Gunnedah Shire”. There are two strategies (2.3.2 and 2.3.6) relating to the facilitation of appropriate accommodation options which specifically includes RVs and caravans. This planning proposal is consistent with the CSP as it will allow caravans to stop within the Gunnedah township.

Gunnedah Rural Land Use Strategy 2007

The Gunnedah Rural Land Strategy 2007 was endorsed by the Department as a component of the Gunnedah Local Environmental Study (Bridging Report) 2010. The Strategy recognises and supports rural tourism to boost economic development. The proposal is considered to be consistent with the intent of the Strategy.

Gunnedah Koala Strategy 2015

The land is located within the Koala Strategy study area. However, the land does not contain koala habitat and is identified by the Strategy as Urban Area within the Gunnedah Focus Area. The land is less than 1 hectare for the purposes of State Environmental Planning Policy (Koala Habitat Protection) 2020.

Gunnedah Open Space Strategy 2010

The land is not identified in the Open Space Strategy for future open space. As such, the provision and future supply of open space will not be compromised by the proposal.

4.4 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all applicable Section 9.1 Ministerial Directions except in relation to the following:

Direction 1.5 Rural Lands

The planning proposal is inconsistent with this Direction as the proposal will affect land within an existing rural zone and will not support farmers in exercising their right to farm. The inconsistency is considered to be of minor significance as the planning proposal only applies to a small area of RU1 Primary Production land, is not identified to contain BSAL and is unlikely to be able to support any meaningful agricultural production. However, it is recommended that as a condition of the Gateway determination that consultation is undertaken with the Department of Primary Industries – Agriculture to confirm the suitability of the proposal. Until consultation is undertaken, this Direction remains unresolved.

Direction 3.2 Caravan Parks and Manufactured Home Estates

The planning proposal is inconsistent with this Direction as it does not include provisions that provide the subdivision of manufactured home estates by a long-term lease of up to 20 years or under the Community Land Development Act 1989 is permissible with consent. The inconsistency is considered to be of minor significance as the planning proposal seeks to facilitate a specific proposal for an RV park.

Further, the land would not be suitable for a manufactured home estate having regard to the categories of land set out in Schedule 2 of State Environmental Planning Policy No. 36 - Manufactured Home Estates due to flooding. In this regard, Council has advised that the land is zoned RU1 Primary Production as preventative measure against residential and commercial development within the flood area.

Direction 4.3 Flood Prone Land

The planning proposal is potentially inconsistent with this Direction as it seeks to facilitate development on flood prone land and does not include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). It is recommended that consultation is undertaken with BCD and SES to confirm the suitability of the proposal. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. With regard to:

- State Environmental Planning Policy (Koala Habitat Protection) 2020: Council has advised that the land does not contain core koala habitat and the cumulative area of the lots is less than 1 hectare.

References within the planning proposal to the repealed State Environmental Planning Policy (Koala Habitat Protection) 2019 will need to be replaced by the current SEPP. It is recommended that a condition of the Gateway determination require that the planning proposal is updated prior to agency and community consultation.

- State Environmental Planning Policy No 21 – Caravan Parks: would be a consideration in the assessment of any future development application.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal is unlikely to result in any detrimental social impacts. The proposal aims to reduce the incidence of unregulated or illegal camping within the town by allowing self-contained RVs, including caravans to occupy the land.

A search of the Aboriginal Heritage Information System was undertaken that did not identify any items of Aboriginal sites or places on or within 200m of the land. However, it is recommended that a condition of the Gateway determination require that consultation is undertaken with the LALC.

5.2 Environmental

It is not anticipated that there will be any negative impacts to the environment as a consequence of the development. However, as discussed previously in the report, the land is flood prone and it is recommended that consultation is undertaken with BCD and the SES to confirm the suitability of the proposal having regard to flooding.

Council has considered whether the land is contaminated in accordance with section 9.1 Direction 2.6 Remediation of Land and is satisfied based on historical knowledge of the previous uses of the site, that the land is suitable for the intended purpose.

5.3 Economic

The planning proposal is anticipated to have positive economic benefits by contributing to the diversity of accommodation options for visitors to the town. By encouraging the low cost self-contained RV market to Gunnedah, it is increasing the number of visitors and the potential for local spending. Council estimate that guests staying in RVs spend up to \$283 per RV per night locally.

5.4 Infrastructure

Council has indicated that land has adequate public infrastructure to meet the demands of any future RV park. The specific servicing requirements may be addressed at the development application stage.

6. CONSULTATION

6.1 Community

Council has advised that the planning proposal will be advertised in local newspapers, on Council's website and at Council offices.

In accordance with LEPs, A guide to preparing local environmental plans (Department of Planning and Environment, 2018) it is recommended that the proposal is exhibited for a period of 28 days. This period also aligns with the requirements of Council's Community Participation Plan.

6.2 Agencies

No agency consultation has been proposed by Council. It is recommended that consultation is undertaken with the:

- Division of Biodiversity and Conservation in relation to flooding;
- State Emergency Service in relation to flooding;
- Department of Primary Industries- Agriculture as the land is zoned RU1 Primary Production; and
- Local Aboriginal Land Council in relation to Aboriginal cultural heritage.

7. TIME FRAME

The project timeline contained in Part 6 of the planning proposal does not nominate a timeframe to complete the LEP, but Council has indicated that the LEP will be completed in 6 months.

Having regard to the timeframe nominated by LEPs, A guide to preparing local environmental plans (Department of Planning and Environment, 2018), 6 months is considered to be a practical and realistic timeframe for this planning proposal.

However, it is recommended that as a condition of the Gateway determination that the timeline is updated to provide an indicative timeframe by month.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. As the planning proposal is consistent or justifiably inconsistent with the State, regional and local planning framework and deals only with matters of local significance, it is considered appropriate that Council be provided authorisation to act as the local plan-making authority.

9. CONCLUSION

It is considered that the planning proposal has merit to proceed to Gateway for the following reasons:

- the planning proposal does not undermine the vision, land use strategy, goals, directions or actions of the New England North West Regional Plan 2036;
- the planning proposal is consistent with the relevant planning priorities of the Gunnedah Local Strategic Planning Statement Future 2040;
- the planning proposal responds to the Themes of the Gunnedah Community Strategic Plan 2017-2027; and
- the planning proposal will contribute to the diversity of accommodation options in Gunnedah.

It is recommended that this planning proposal be supported with conditions.

10. RECOMMENDATION

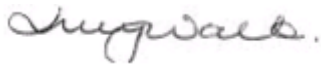
It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 3.2 Caravan Parks and Manufactured Home Estates is minor or justified; and
2. note that the inconsistencies with section 9.1 Direction 1.5 Rural Lands and 4.3 Flood Prone Land are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Department of Primary Industries – Agriculture;
 - Division of Biodiversity and Conservation;
 - State Emergency Service; and
 - Local Aboriginal Land Council
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to community and agency consultation, Council is to:
 - (a) amend the planning proposal to:
 - include consideration of the Local Strategic Planning Statement;
 - update references to State Environmental Planning Policy (Koala Habitat Protection) 2019 to State Environmental Planning Policy (Koala Habitat Protection) 2020;

- update the project timeline to indicate the anticipated end to end timeframe by month; and
- include a proposed Additional Permitted Uses map.



10/02/2021

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15/2/2021

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