



Planning,  
Industry &  
Environment

IRF21/920

## Gateway determination report – PP-2021-2313

---

Proposed rezoning of privately owned E3  
Environmental Management land to RU1 Primary  
Production.

March 21



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Gateway determination report – PP-2021-2313

Subtitle: Proposed rezoning of privately owned E3 Environmental Management land to RU1 Primary Production.

---

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (March 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Contents

<b>1</b>	<b>Planning Proposal .....</b>	<b>1</b>
1.1	Overview and objectives of planning proposal .....	1
1.2	Explanation of provisions .....	2
1.3	Site description and surrounding area.....	2
1.4	Mapping.....	2
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>3</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>4</b>
3.1	Regional Plan .....	4
3.2	District Plan [If relevant] .....	Error! Bookmark not defined.
3.3	Local.....	4
3.4	Local planning panel (LPP) recommendation.....	Error! Bookmark not defined.
3.5	Section 9.1 Ministerial Directions .....	5
3.6	State environmental planning policies (SEPPs) .....	6
<b>4</b>	<b>Site-specific assessment .....</b>	<b>7</b>
4.1	Environmental.....	7
4.2	Social and economic.....	Error! Bookmark not defined.
4.3	Infrastructure .....	9
<b>5</b>	<b>Consultation.....</b>	<b>9</b>
5.1	Community .....	9
5.2	Agencies.....	9
<b>6</b>	<b>Timeframe .....</b>	<b>9</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>9</b>
<b>8</b>	<b>Assessment Summary.....</b>	<b>10</b>
<b>9</b>	<b>Recommendation.....</b>	<b>10</b>

**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal – 10 February 2021
Proposed Maps – Appendix 4 – 5 February 2021
Council Resolution and Report - 17 February 2021

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Gunnedah Shire</b>
<b>PPA</b>	<b>Gunnedah Shire Council</b>
<b>NAME</b>	<b>Rezoning of privately owned E3 Environmental Management land to RU1 Primary Production</b>
<b>NUMBER</b>	<b>PP-2021-2313</b>
<b>LEP TO BE AMENDED</b>	<b>Gunnedah LEP 2012</b>
<b>ADDRESS</b>	<b>Various properties</b>
<b>DESCRIPTION</b>	<b>Various lots</b>
<b>RECEIVED</b>	<b>24/02/2021</b>
<b>FILE NO.</b>	<b>IRF21/ 920</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>Details of meetings and communications with registered lobbyists have been included</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend the Gunnedah Local Environmental Plan 2012 (Gunnedah LEP 2012) so that all privately owned land currently zoned E3 Environmental Management located more than 5 kilometres from Gunnedah is zoned RU1 Primary Production.

While the intent of the submitted proposal is generally supported and is clear, concern does exist regarding the rezoning of vegetated areas from E3 Environmental Management to RU1 Primary Production with no scientific evidence base being provided on their environmental significance. For this reason, it is being recommended that the Gateway determination require the inclusion of a LEP 'biodiversity overlay' and associated 'heads of consideration' clause for development on vegetated land currently zoned E3 Environmental Management. This will allow the intent of the proposal to be achieved by applying a rural zone that better reflects the existing agricultural landscape in the LEP while also identifying biodiversity matters for consideration in vegetated areas for non-regular agricultural activities that require consent.

The objective of this planning proposal will therefore require amendment prior to consultation based on the recommendations of this report if supported.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Gunnedah LEP 2012 Land Zoning Maps so that all privately owned land currently zoned E3 Environmental Management more than 5km from Gunnedah is zoned RU1 Primary Production.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved, however, if the recommendations of this report are supported the proposal will need amendment prior to public exhibition to include the recommended biodiversity overlay map and associated clause.

## 1.4 Site description and surrounding area

This proposal applies to all privately owned land currently zoned E3 Environmental Management more than 5km from Gunnedah.

The proposal includes a list of the 132 individual lots that will be rezoned. Appendix 4 of the planning proposal also includes maps showing the area of land to be rezoned.

## 1.5 Mapping

The planning proposal includes existing and proposed mapping showing the proposed changes to the land zoning maps. These maps are adequate for community consultation. Changes to include a biodiversity overlay map will need to be undertaken prior to agency and community consultation if the recommendations of this report are supported.

## 1.6 Background

The E3 Environmental Management Zone under the Gunnedah LEP 2012 was implemented as a result of the recommendations of the Gunnedah Rural Land Strategy 2007 and its Addendum in 2008. These documents were approved by the Director General of the then Department of Planning in 2009.

The Rural Land Study and Addendum established the criteria for zoning land for environmental management purposes. The criteria sought to protect the integrity, natural values and features of the rural landscape. The Rural Land Strategy identified an area around Blackjack Mountain as being a scenic landscape that required protection via the use of an environmental management zoning. During consideration of the strategy, Gunnedah Shire Council (Council) determined that the protection of all significant hill-scapes in the Shire should also be considered.

Council's planning consultant established a methodology by which a measurable line could be used to identify these hill-scapes. Above the 450m contour line was identified as where the most significant ridges and dense woody vegetation was located, and agricultural activity was generally limited. In regard to these areas, the strategy states:

*“By applying this Environmental Management Zone, Council will ensure that existing agricultural activities are not affected yet recognise the importance of the landscape and have a mechanism to maintain its integrity.”*

It is therefore acknowledged that Council's intent was to protect the scenic values of the Blackjack Mountain and the adjoining escarpment near Gunnedah and preserve the integrity of other areas that provide hill scapes and vistas of 'natural' areas of the Shire rather than zone land based on known biodiversity or ecological values.

A number of landowners have however become concerned with the application of the E3 Environmental Management zone and formed the Rangari Farmers Group to coordinate efforts to rezone the land to RU1 Primary Production. These landowners and the Council's current

councillors believe the E3 Environmental Management zone unfairly restricts the agricultural use of the land. Members of the group have met with and written to the local member of Parliament, the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation, who has sought clarification on the matter from the Hon Rob Stokes MP, Minister for Planning and Public Spaces (MDPE20/1921). This group is not on the Lobbyist Register.

To address these concerns Council has been undertaking various changes to the Gunnedah LEP 2012 including:

- rezoning a parcel of land from E3 to RU1 Primary Production to permit an intensive agricultural land use (poultry farm);
- the inclusion of farm buildings as permitted with consent in the E3 zone (currently under consideration by another planning proposal); and
- undertaking a mapping exercise to identify cleared agricultural land within the E3 zone that may have potential to be rezoned to RU1 Primary Production without the need for undertaking any biodiversity investigations.

A number of discussions regarding this mapping project have been undertaken between Council, the Northern Regional Office of the Planning and Assessment Group of the Department of Planning, Industry and Environment (the Department) and the North West Office of the Biodiversity and Conservation Division (BCD). It was generally agreed that the rezoning of E3 zoned land to a rural zone could occur in the following stages:

#### Stage One:

1. Desktop Analysis undertaken by Council and/or the proponents with assistance from BCD to access and utilise spatial data from the SEED Portal (Sharing and Enabling Environmental Data).
2. Analysis to identify obvious cleared agricultural land within the existing E3 Environmental Management zone that could be rezoned without the need for any supporting biodiversity studies;
3. Council to also review the land use table of the E3 zone in the Gunnedah LEP 2012 to determine if any appropriate additional uses could be considered that would help facilitate the current farming use of the land.
4. Consideration may also be given to rezoning land if landowners can demonstrate ongoing agricultural use of the land.

#### Stage Two:

5. Areas that are not clearly discernible from the desktop analysis would be considered for rezoning through further 'ground truthing'.

Council undertook a desktop mapping exercise (Actions 1 and 2 above). However, the methodology adopted, and the outcome of the mapping was not supported by BCD who suggested alternative options to achieve the intent of the project and offered support to interrogate GIS data and prepare appropriate mapping. Unfortunately, this project was not completed, and Council has now resolved to support this planning proposal to rezone all E3 zoned land to RU1 Primary Production.

## 2 Need for the planning proposal

The proposal is not the direct result from any actions from the Gunnedah Local Strategic Planning Statement 2020 (Gunnedah LSPS) or past land use studies or strategies prepared by or on behalf of council.

The planning proposal has been initiated by concerned landowners and supported by Council to address concerns that the E3 Environmental Management zone unreasonably restricts agricultural

activities on privately owned land and is not consistent with the existing or likely future rural uses on the land.

The proposal is needed to rezone all the existing E3 Environmental Management on privately owned land more than 5 kilometres from Gunnedah township to RU1 Primary Production consistent with the historical rural zones that applied under the Gunnedah Local Environmental Plan 1998.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England North West Regional Plan 2036.

**Table 3 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 3 – Protect and enhance productive agricultural land	The planning proposal is consistent with this Direction as the rezoning of land to RU1 Primary Production will apply zone objectives and a range of permitted land uses that will support the rural sector and enhance productive agricultural land.
Direction 11 – Protect areas of potential high environmental value	<p>The planning proposal is inconsistent with this Direction as much of the subject land is identified as having potential high environmental value (HEV) under the New England North West Regional Plan 2036. Rezoning these areas from E3 Environmental Management to RU1 Primary Production with no scientific evidence regarding their environmental significance would be inconsistent with this Direction.</p> <p>The inconsistency is considered to be of minor significance provided that the proposal is amended to include a 'biodiversity overlay' and associated 'heads of consideration' clause for development on vegetated land currently zoned E3 Environmental Management. This will allow agricultural activities to continue unaffected consistent with the intent of Council's Department approved strategy while ensuring an appropriate level of protection and consideration for any non-routine development that requires consent.</p> <p>The mapping project undertaken by Council has already identified some areas that are zoned E3 Environmental Management and are not potential HEV. It is recommended that this work be built upon to create a biodiversity overlay LEP map for areas within the existing E3 Environmental Management zone in consultation with BCD. This Biodiversity overlay LEP Map and associated heads of consideration clause would provide an appropriate balance in rezoning the land to rural while providing a level of environmental protection to these areas.</p>

### 3.2 Local

The following table provides an assessment of the planning proposal against relevant aspects of the Council's local plans and endorsed strategies.

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Gunnedah LSPS does not directly address the issue of E3 Environmental Management zoned land and does not contain any actions that directly relate to the current proposal. The LSPS does however aim to strengthen Gunnedah Shire's productivity and competitiveness, value, protect and diversify Gunnedah Shire's primary production land and natural resources and to preserve the environment and protect the heritage, history and character of Gunnedah Shire.</p> <p>The rezoning of land from E3 to RU1 could be considered to be consistent with these aims subject to the recommendations of this report are supported regarding the introduction of a biodiversity overlay and clause into the Gunnedah LEP 2012 to achieve the stated environmental aims.</p>
Gunnedah Community Strategic Plan 2017-27	<p>The Community Strategic Plan outlines the existing nature of the agricultural industry, trends and strategic considerations within the Gunnedah Shire. Council states the rezoning of these lands to primary production will allow farmers greater opportunity to manage and possibly expand their agricultural operations and potentially improve profitability.</p> <p>The strategic plan also aims to deliver a balance between development and environmental protection.</p>
Gunnedah Rural Land Strategy 2007 and Addendum 2008	<p>As discussed previously, the proposal is inconsistent with Council's Department approved strategy which identifies the application of an environmental management zone to land about the 450m contour (as this is where the most significant ridges and dense woody vegetation are located in the LGA).</p> <p>This inconsistency is considered to be of minor significance provided the zoning of the land to RU1 Primary Production is accompanied by a Biodiversity LEP map and clause (noting that the aim of the strategy regarding this matter was to ensure that existing agricultural activities are not affected, yet recognise the importance of the landscape. The strategy's aim also includes a mechanism to maintain the landscape's integrity and the recognition that cleared agricultural land has been included in the E3 zone due Council's 'blunt' identification methodology)</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions except for the following as discussed below:



**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.5 Rural Lands	No	<p>The proposal is inconsistent with this Direction as it will affect land within an existing rural or environmental protection zone and does not identify and protect the potential environmental values of the land by rezoning the land from E3 Environmental Management to RU1 Primary Production.</p> <p>It is considered that the inconsistency with this Direction is of minor significance if the recommendations of this report are supported, as the proposed LEP 'biodiversity layer' and 'heads of consideration' clause will provide a satisfactory level of protection for the environmental values of the land in the circumstances.</p>
2.1 Environmental Protection Zones	No	<p>This proposal is inconsistent with this Direction as it proposes to reduce environmental protection standards by rezoning the land from E3 Environmental Management to RU1 Primary Production.</p> <p>It is considered that the inconsistency with this Direction is of minor significance if the recommendations of this report are supported, as the proposed LEP 'biodiversity layer' and 'heads of consideration' clause will provide a satisfactory level of protection for the environmental values of the land in the circumstances.</p>
4.4 Planning for Bushfire Protection	No	<p>This proposal will affect land that is bushfire prone. The consistency with this Direction cannot be determined until after consultation with the NSW Rural Fire Service has been undertaken post Gateway determination in accordance with the Direction requirements.</p>
5.10 Implementation of Regional Plans	No	<p>This proposal is inconsistent with this Direction as discussed previously as it seeks to rezone the land from E3 Environmental Management to RU1 Primary Production and does not protect areas of potential high environmental value.</p> <p>It is considered that the inconsistency with this Direction is of minor significance if the recommendations of this report are supported, as the proposed LEP 'biodiversity layer' and 'heads of consideration' clause will provide a satisfactory level of protection for the environmental values of the land in the circumstances.</p>

It is noted that the planning proposal also refers to s117 Directions rather than s9.1 Directions. It is recommended that the proposal be updated prior to public exhibition.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The proposed rezoning of land from E3 Environmental Management to RU1 Primary Production is not anticipated to have a significant impact on the environment or the long-term management of the affected land.

The subject land has historically been used for agricultural purposes and until 2012 had been zoned for primary production purposes. The decision to rezone the land to E3 Environmental Management was made by Council in an effort to protect the integrity, natural values and features of the rural landscape rather than for the conservation or management of ecological communities or ecosystems. The proposal notes that the neighbouring Local Government Areas of Tamworth and Narrabri share similar landscapes, land uses and natural features that are zoned for primary production.

#### *Land Clearing*

Clearing of native vegetation on land zoned E3 Environmental Management is controlled under the provisions of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP). The Vegetation SEPP applies to the clearing of native vegetation:

- above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

Council does not however identify such vegetation in a DCP and no controls below the threshold currently apply. It could therefore be argued that the management of the existing native vegetation will be strengthened by the rezoning as any native vegetation clearing would be regulated by the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016 and managed by North West Local Land Services. It is therefore considered that the rezoning of land to RU1 Primary Production with an added 'biodiversity overlay' map incorporated into the Gunnedah LEP 2012 will provide an appropriate and adequate level of environmental protection to the land.

#### *Koalas*

The SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021) was made and commenced on 17 March 2021. The land subject to this planning proposal is currently covered by the SEPP and requires that council must assess whether the development is likely to have any impact on koalas or koala habitat. If it does, the proponent of a development application must engage a suitably qualified and experienced person to survey the land to determine whether it contains core koala habitat. A koala assessment report is then prepared to lodge with the development application for the consent authority to consider in its assessment of the application.

If supported, the rezoning of the land to RU1 Primary Production will exclude it from the Koala SEPP 2021 and its controls. In this event SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020) will apply. The Koala SEPP 2020 requires council to be satisfied as to whether or not the land is a potential koala habitat or core koala habitat, and if core koala habitat, a plan of management must be prepared for the land.

It is considered that the change in land zoning will have a minimal impact on the protection of Koala populations that may inhabit the subject land as both SEPPs provide effective tools to help and support koalas to thrive in the landscape.

### *Flooding*

There is limited flood mapping of non-urban areas of the Gunnedah Shire. The proposed change in land zoning is not likely to have an impact on flood activity or create inappropriate development opportunities that are incompatible with the flood prone land due to the location of the land above the 450m contour.

### *Potential Contamination*

Council is not aware of any contaminated sites within the subject land despite it being primarily used for agriculture. The proposed changes to the land zoning will not have a significant impact upon the current land uses of the area or land use that would be permitted as a result of the change in zone. Council has considered whether the land is contaminated and is satisfied that the land is suitable in its current state.

### *Recommended biodiversity overlay map and heads of consideration clause*

It is recommended that the planning proposal be amended prior to agency and community consultation to include a 'biodiversity overlay' to the Gunnedah LEP 2012 map series and an appropriate 'heads of consideration' clause for development on land subject to the overlay.

The biodiversity overlay map will be a new map in the Gunnedah LEP 2012 and is to identify all privately owned vegetated land that is currently zoned E3 and more that 5km from Gunnedah.

Privately owned land that is currently zoned E3 Environmental Management but is cleared agricultural land, used for residential or farm infrastructure purposes, intensive animal production, the grazing of modified pastures, mining and utility infrastructure will be excluded from the 'biodiversity overlay'. It is recommended that the map be prepared in consultation with the NSW BCD.

While the associated 'heads of consideration clause' will be drafted by Parliamentary Counsel, the planning proposal should also be amended to include the intent of the clause. The intent should include objectives that protect native fauna and flora, and the ecological processes necessary for their continued existence, and encourage the conservation and recovery of native fauna and flora and their habitats. The clause should also specify that before determining a development application, a consent authority must consider whether the development is likely to have any adverse impact on:

- the condition, ecological value and significance of the fauna and flora on the land;
- the importance of the vegetation on the land to the habitat and survival of native fauna;
- any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land,
- any adverse impact on the habitat elements providing connectivity on the land, and
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In addition the consent authority must be satisfied the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or if that impact cannot be reasonably avoided by adopting feasible alternatives, the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised the development will be managed to mitigate that impact.

Clauses similar to the one proposed exist in other LEPs within Northern Region such as the Bellingen, Coffs Harbour and Richmond Valley LEPs.

## 4.2 Social and economic

The proposal is expected to have a positive social and economic benefit to the local area. Anecdotal evidence suggest that the current E3 Environmental Management zone has affected property sales and there is a perception within some member of the community that land has been devalued, farming operations disrupted, and potential income reduced due to the land use controls of the E3 zone. The rezoning of the land back to a primary production zone will alleviate these concerns and perceptions while the recommended biodiversity map overlay will ensure an appropriate level of protection for the environmental values of the land.

## 4.3 Infrastructure

The proposal will not result in the need for additional infrastructure. There will be no need for funding of State infrastructure as a result of the proposed changes to the Gunnedah LEP 2012.

# 5 Consultation

## 5.1 Community

Council proposes a community consultation period of 14 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

## 5.2 Agencies

The proposal does not identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- NSW Rural Fire Service
- NSW Biodiversity and Conservation Division

# 6 Timeframe

Council proposes a 6 month timeframe to complete the LEP.

Due to the recommended amendment to the proposal to include a biodiversity map overlay and clause prior to community and agency consultation it is recommended that a 9 month time frame be provided for completion of the proposal.

# 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal addresses a matter primarily of local significance (subject to the amendments to the proposal as outlined by this report), the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the rezoning of the land to a primary production zone will alleviate community concerns and perceptions regarding the impact and effect of the current E3 Environmental Management zone on historical rural land uses; and
- the Biodiversity Overlay map and the heads of consideration clause will ensure an appropriate level of protection for the environmental values of the land in the circumstances.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- include a 'biodiversity overlay' to the Gunnedah LEP 2012 map series and an appropriate 'heads of consideration' clause for development on land subject to the overlay for privately owned vegetated land that is currently zoned E3 Environmental Management;
- privately owned land that is currently zoned E3 Environmental Management but is cleared agricultural land, used for residential or farm infrastructure purposes, intensive animal production, the grazing of modified pastures, mining and utility infrastructure will be excluded from the 'biodiversity overlay'; and
- the 'heads of consideration clause' must include objectives that protect native fauna and flora, and the ecological processes necessary for their continued existence, and encourage the conservation and recovery of native fauna and flora and their habitats.

Based on the assessment outlined in this report, the proposal must also be updated before consultation to:

- include discussion on consistency with the Gunnedah LSPS; and
- update the existing references to s117 Directions to s9.1 Directions.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.1 Environmental Protection Zones and 5.10 Implementation of Regional Plans are of minor significance; and
- Note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal is to be amended to:

- Include a 'biodiversity overlay map' to the Gunnedah LEP 2012 and an appropriate 'heads of consideration' clause for development on land subject to the overlay;
- The biodiversity overlay map is to identify all privately owned land that is currently zoned E3 and more than 5km from Gunnedah. Cleared agricultural land, used for residential or farm infrastructure purposes, intensive animal production, the grazing of modified pastures, mining and utility infrastructure is to be excluded from the 'biodiversity overlay'. The overlay map is to be prepared in consultation with the NSW Biodiversity and Conservation Division;
- The 'heads of consideration clause' must include objectives that protect native fauna and flora, and the ecological processes necessary for their continued existence, and encourage the conservation and recovery of native fauna and flora and their habitats;
- Include discussion on the proposal's consistency with the Gunnedah LSPS; and

- Update the existing references to s117 Directions to s9.1 Directions
2. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
  3. Consultation is required with the following public authorities:
    - NSW Biodiversity and Conservation Division
    - NSW Rural Fire Service
  4. The planning proposal should be made available for community consultation for a minimum of 14 days.
  5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
  6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



31/3/21

(Signature)

(Date)

Craig Diss

Manager, Northern Region



31/3/2021

(Signature)

(Date)

Jeremy Gray

Director, Northern Region



(Signature)

28/04/2021 (Date)

Monica Gibson

Executive Director, Local and Regional Planning

Assessment officer

Jon Stone

Senior Planning Officer, Northern Region

5778 1488

