

**12. PLANNING AND ENVIRONMENTAL SERVICES**

**12.3 PLANNING PROPOSAL TO AMEND THE GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 – PLANNING PROPOSAL FOR LOT 1 DP 841781, 127-141 LOCHREY ROAD, GUNNEDAH**

**AUTHOR**      Senior Development Officer (Strategic)

**MOTION**      *Moved Councillor D MOSES*  
                     *Seconded Councillor A LUKE*

**7.12/22 COUNCIL RESOLUTIONS:**

**That Council resolves to:**

1.      Endorse the draft planning proposal, prepared pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
  - i)      include the definition of ‘highway service centre’ and ‘caravan park’ as a permissible land use for part of Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah, as identified on the Additional Permitted Uses Map in Schedule 1 – ‘Additional Permitted Uses’ of the GLEP 2012; and
  - ii)     amend the Additional Permitted Uses Map (APU\_005AA) in the mapping section of the GLEP 2012 to clearly identify the land affected by the planning proposal.
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 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
3.      Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

<b>ITEM 3</b>	<b>Planning Proposal to Amend the Gunnedah Local Environmental Plan 2012 – Planning Proposal for Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah</b>
<b>MEETING</b>	Ordinary Meeting – 14 December 2022
<b>DIRECTORATE</b>	Planning and Environmental Services
<b>AUTHOR</b>	Senior Development Officer (Strategic)
<b>POLICY</b>	Nil
<b>LEGAL</b>	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and Gunnedah Local Environmental Plan 2012
<b>FINANCIAL</b>	Nil
<b>STRATEGIC LINK</b>	Community Strategic Plan 4.2.3 Maintain systems for effective management of bushfires and the potential threats to residential areas. 4.7.3 Provide attractive town entrances to Gunnedah and villages. Operational Plan 4.2.3.1 Assess development against NSW legislation and Gunnedah bushfire mapping.
<b>ATTACHMENTS</b>	Planning Proposal Report and Attachments (UNDER SEPARATE COVER)

#### OFFICER'S RECOMMENDATIONS:

That Council resolves to:

1. Endorse the draft planning proposal, prepared pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979* for an amendment to the *Gunnedah Local Environmental Plan 2012* to:
  - i) include the definition of 'highway service centre' and 'caravan park' as a permissible land use for part of Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah, as identified on the Additional Permitted Uses Map in Schedule 1 – 'Additional Permitted Uses' of the GLEP 2012; and
  - ii) amend the Additional Permitted Uses Map (APU\_005AA) in the mapping section of the GLEP 2012 to clearly identify the land affected by the planning proposal.
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 3.34-3.35 of the *Environmental Planning and Assessment Act 1979*; and
3. Request that the Director General of the Department of Planning and Environment issue a Written Authorisation to Council to Exercise Delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal.

#### PURPOSE

The purpose of this report is to seek Council's endorsement of the draft planning proposal to amend the *Gunnedah Local Environmental Plan 2012* (GLEP 2012) in relation to the subject land identified as Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah. The planning proposal aims to include the parcel of land in Schedule 1 – 'Additional Permitted Uses' of the GLEP 2012 and allow the definition of 'highway service centre' and 'caravan park' to be a permissible use on the subject land.

The definition of a 'highway service centre' and 'caravan park' are currently prohibited within the RU1 – Primary Production zone. The intended outcome of this planning proposal is to amend the GLEP 2012 to permit the prohibited uses on the identified land within the primary production zone.

## **COMMENTARY**

The subject site is located within the locality of Gunnedah, with a primary frontage to the Oxley Highway and secondary frontage to Lochrey Road. The site is located at the intersection of the Oxley Highway and Kamilaroi Highway and is approximately 2.7 kilometres to the southeast of the Central Business District (CBD) of Gunnedah. An aerial map, land zoning map and minimum lots size map are identified in Figures 1, 2 and 3.

The land is within the RU1 Primary Production zone and has a minimum lot size of 200 hectares.

The site is vacant with no buildings present and the only improvements are rural fencing. It has a historical use of agriculture and is mostly clear of trees. There are no known sources or risks of contamination identified on the subject site.

Council has received a planning proposal application to amend the GLEP 2012. The submitted planning proposal aims to permit two land uses (highway service centre and caravan park) on the subject land by listing it in Schedule 1 – 'Additional Permitted Uses', of the provisions contained in the GLEP 2012. The part of the land to which this planning proposal applies is approximately 8 hectares in area.

In order to amend the GLEP 2012, a planning proposal is required to be initiated to include 'highway service centre' and 'caravan park' as additional permitted uses on the land in Schedule 1 of the GLEP 2012 for Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah. This amendment to the GLEP 2012 will facilitate the use of the site for a service station and caravan park – refer to attachment. The details of the report are outlined below:

- A. Location of the planning proposal;
- B. Existing planning controls of the subject land;
- C. GLEP 2012 minor amendments to be included in the planning proposal; and
- D. Consideration of the planning proposal against applicable local and regional plans and strategies.

This planning proposal has been written in accordance with the Department of Planning's '*Local Plan Making Guideline*', which is a requirement for the preparation of the gateway determination by the Department.

### **A. Location of the Planning Proposal**

The subject land is located on the corner of Lochrey Road and the Oxley Highway, Gunnedah (refer Figure 1) with access to the site occurring from the Oxley Highway. The subject land is privately owned, and the property is currently vacant. Generally, land north and east of the subject site is zoned *RU1 Primary Production*, while the southern side of the property contains land zoned *R5 Large Lot Residential* and the western side of the land is *R2 Low Density Residential* under the GLEP 2012.

*Figure 1 - Subject Land*



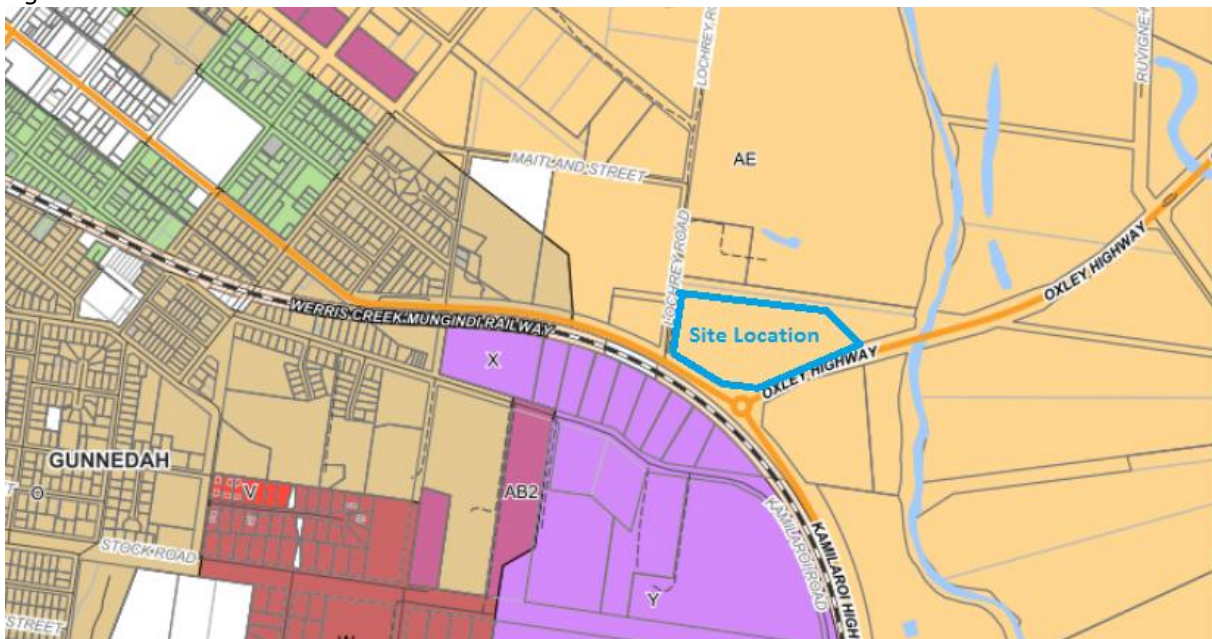
### **B. Existing Planning Controls**

The current land zoning of the subject land is identified as *RU1 Primary Production* under the GLEP 2012 (see below). A Minimum Lot Size (MLS) of 200 hectares applies to the subject land and is shown as 'AE' on the Lot Size Map below.

Figure 2 - Current Land Zoning



Figure 3 - Current Minimum Lot Size





### **C. GLEP 2012 Minor Amendments**

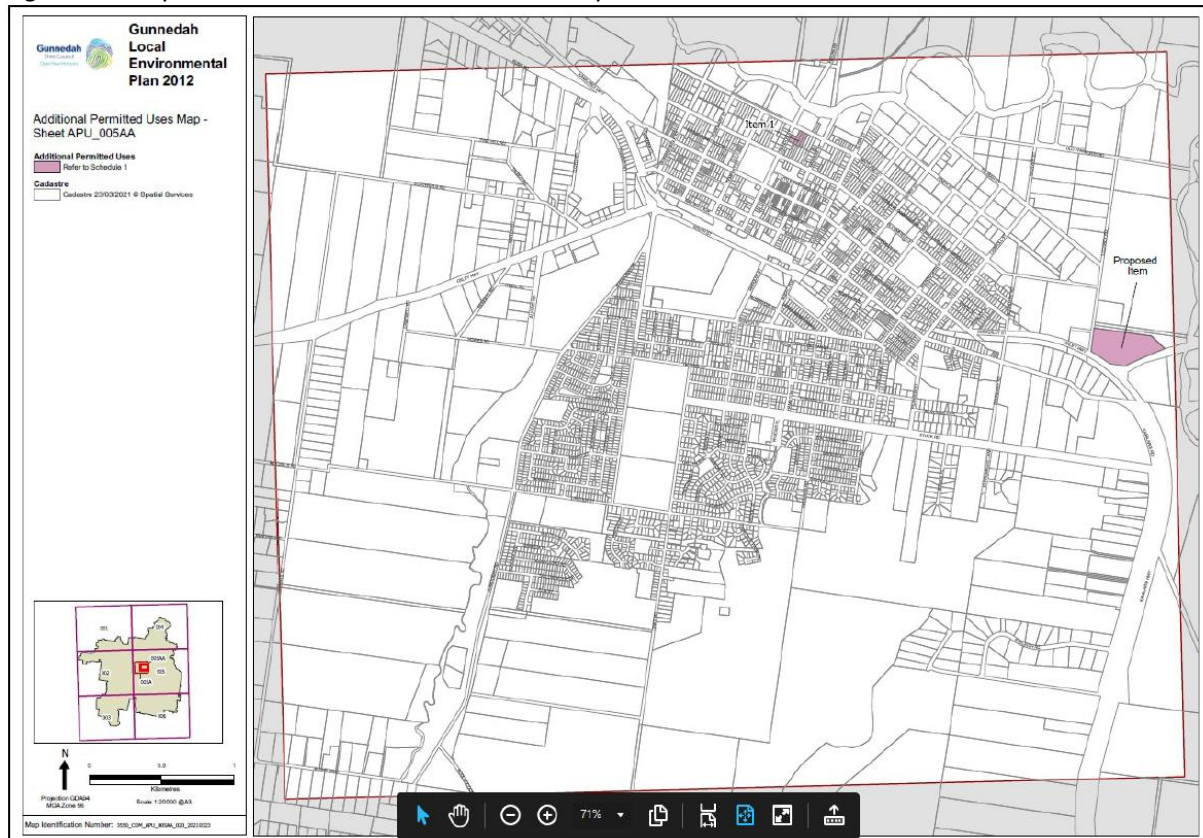
The objectives of the planning proposal for Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah is listed as follows:

- (a) Include the definition 'highway service centre' and 'caravan park' as a permissible land use for Lot 1 DP 841781, in Schedule 1 – 'Additional Permitted Uses' of the GLEP 2012; and
- (b) amend the Additional Permitted Uses Map (APU\_005AA) in the mapping section of the GLEP 2012 to only identify the land affected by the planning proposal.

It is considered that a 'highway service centre' and 'caravan park' are suitable additional land uses for the subject site, and are consistent with the highway service centres located on the western gateway entrance into Gunnedah along the Kamilaroi Highway.

Should the planning proposal be successful, it is considered that a highway service centre and caravan park development will provide improvement to the visual amenity and efficiency of the site. These aspects will be considered in the assessment of a development application once it is lodged for the subject land. A development application will also need to consider the likely potential impact of, but not limited to, additional traffic movements, site manoeuvrability and infrastructure associated with the development.

*Figure 4 - Proposed Additional Permitted Uses Map*



### **D. Consideration of planning proposal in relation to applicable local and regional plans and strategies**

The planning proposal is consistent with the aims and objectives of the applicable local and regional plans and strategies. Below is a brief outline of the planning proposal's consistency with the applicable local and regional plans and strategies.

#### New England North West Regional Plan 2041

The *New England North West Regional Plan 2041* identifies the need to 'coordinate land use planning for future growth, community need and regional economic development' and to 'support a diverse visitor economy' as key objectives. The planning proposal is consistent with the objectives of the *New England North West Regional Plan 2041* as the highway service centre and Caravan Park will support economic development and a diverse visitor economy by increasing the stay of visitors which will support the visitor and tourism economy within Gunnedah.

#### Gunnedah Shire Local Strategic Planning Statement – Future 2040

The *Gunnedah Shire Local Strategic Planning Statement – Future 2040* identifies that 'the community values its connection in the heart of Gunnedah and would like to see improved gateway sites and further support for local businesses.' Action 7 of Local Planning Priority 2 states that Council will 'work with industries and peak bodies to identify the availability of land for... the establishment of dedicated 'landing pads' for new and relocating businesses'. The planning proposal is consistent with the community values, local planning priority and action of the *Gunnedah Shire Local Strategic Planning Statement – Future 2040*, as it will allow the establishment of new businesses, being a highway service centre and a caravan park, and will improve the visual amenity of this key gateway site that has been undeveloped for many years.

#### Gunnedah Shire Community Strategic Plan 2017-2027

The *Gunnedah Shire Community Strategic Plan 2017-2027* identifies building the shire's economy as being an important driver of Gunnedah Shire's future. The plan further identifies supporting local businesses including small businesses as a method of achieving this growth. The planning proposal is consistent with the aim of the *Gunnedah Shire Community Strategic Plan 2017-2027* as the proposal gives effect to the Plan. That is, it will facilitate a business with accommodation options and highway service centre facility options for the travelling public through the development of a caravan park and highway service centre.

#### Gunnedah Shire Rural Strategy 2007

The *Gunnedah Shire Rural Strategy 2007* identifies the need to 'encourage a wide range of agricultural and other complimentary rural uses such as tourism having regard to environmental impact' as one of the key principles when considering development applications and planning proposals. The planning proposal is consistent with the principles of the *Gunnedah Shire Rural Strategy 2007* as the highway service centre and caravan park land use would provide a support service for tourism in a location with access to rural areas where intensive agriculture and food processing growth is encouraged.

### **CONCLUSION**

It is recommended that the subject site be listed in Schedule 1 – 'Additional Permitted Uses' of the GLEP 2012 and the definition of 'highway service centre' and 'caravan park' be permissible land uses on the site.

In order to amend the GLEP 2012, Council is required to submit the planning proposal to the *Department of Planning and Environment* for a Gateway Determination. The proposal has been written in accordance with the Department of Planning and Environment's '*Local Environmental Plan Making Guideline*'. Council will also request the Minister for Planning and Environment to exercise their planning powers under Section 3.22 of the *Environmental Planning and Assessment Act 1979* and grant Council delegated authority to amend the GLEP 2012.

The planning proposal is the first step in the 'gateway' plan-making process and explains the effect of and justification for the initiative. If approved, the Minister will provide a determination regarding the procedure and whether further studies are required, and resources allocated for the Proposal, as

well as any specific requirements for public exhibition. It is considered that the planning proposal is consistent with the *New England North West Regional Plan 2041*, the *Gunnedah Shire Community Strategic Plan 2017-2027*, the *Gunnedah Shire Rural Strategy 2007*, and the *Gunnedah Shire Local Strategic Planning Statement - Future 2040*. Therefore, it is recommended that the planning proposal, to amend the Gunnedah Local Environmental Plan 2012, be referred to the Department of Planning and Environment for a Gateway determination to initiate the process.

**Andrew Johns**  
**DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**