



IRF23/284

Gateway determination report – PP-2022-2855

Permitting a highway service centre and caravan park
as additional permitted uses with consent on land at
127 -141 Lochrey Road, Gunnedah

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment B – Gateway determination
Attachment C – Letter to Council
Attachment D – Site Map

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Gunnedah
PPA	Gunnedah Shire Council
NAME	Permitting a highway service centre and caravan park as additional permitted uses with consent on land at 127-141 Lochrey Road, Gunnedah
NUMBER	PP-2023-2855
LEP TO BE AMENDED	Gunnedah Local Environmental Plan 2012
ADDRESS	127-141 Lochrey Road, Gunnedah
DESCRIPTION	Lot 1 DP 841781
RECEIVED	16/01/2023
FILE NO.	IRF23/284
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

1.2 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 Schedule 1 Additional Permitted Uses of Gunnedah LEP 2012 to facilitate development with consent of land at Lochrey Road for a highway service centre and caravan park.

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Gunnedah LEP 2012 by:

- amending Schedule 1 – Additional Permitted Uses to apply to part of Lot 1 DP 841781;
- allow development for the purpose of a Highway Service Centre (HSC) permitted with development consent;
- allow development for the purpose of a caravan park permitted with development consent;

- amend the Additional Permitted Uses map (APU_005AA) to include the subject land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject lot is known as Lot 1 DP 841781, 127 -141 Lochrey Road, Gunnedah. The land is split into two parcels by the Oxley Highway. The planning proposal only relates to part of the subject lot on the northern side of the highway (Figure 1). The part lot is approximately eight (8) hectares in size.

The site is situated at the intersection of the Oxley and Kamilaroi Highways and is located on the south-eastern edge of Gunnedah (Figure 2).



Figure 1: Subject Site (Source: NCRP Viewer)

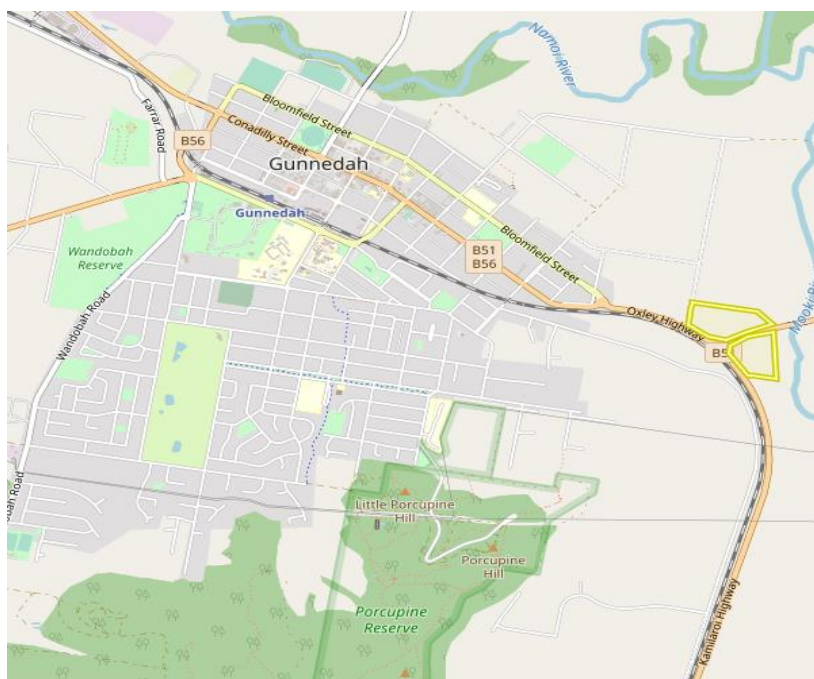


Figure 2 Locality Plan (Source: NCRP Viewer)

The land is zoned RU1 Primary Production with sparse vegetation and rural fencing (Figure 3). No dwellings are present on site.

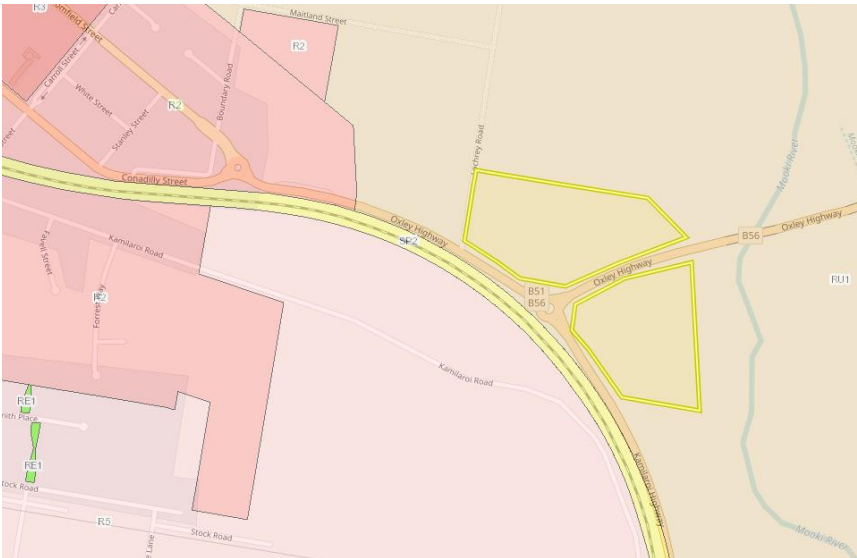


Figure 3 Current zoning map (Source: NCRP Viewer)

The current surrounding land uses include R5 Large Lot Residential land and rural residential dwellings to the south and rural land to the east, west and north.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Additional Permitted Uses map, which is suitable for community consultation.

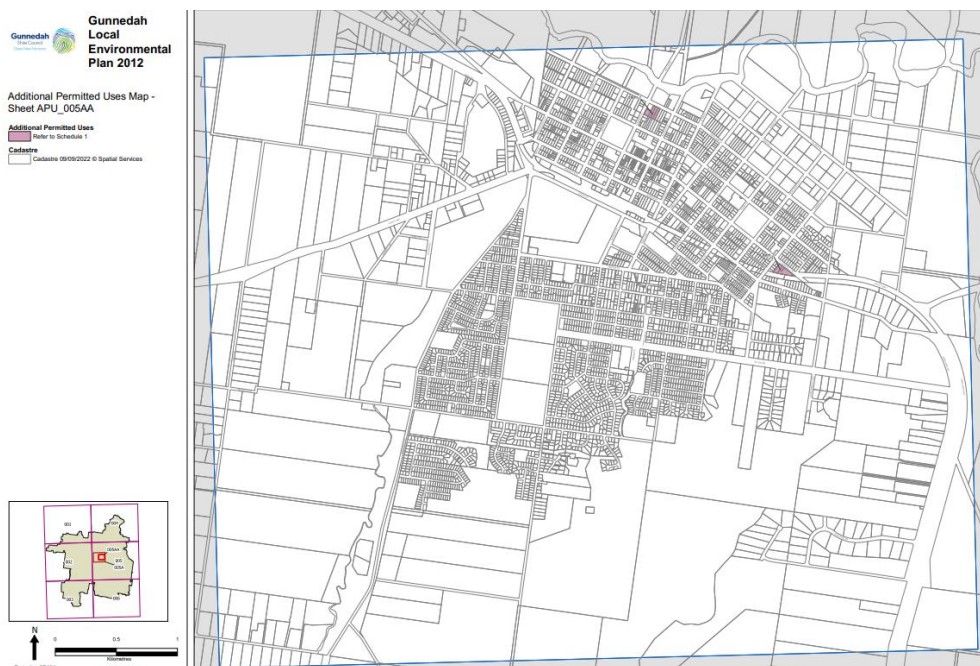


Figure 4 Current additional permitted uses map (Source: Portal)



Figure 5: Proposed additional permitted uses map (Source: Planning Proposal)

2 Need for the planning proposal

The proposal is neither the result of a strategy nor a study.

The planning proposal aims to facilitate the land for a Highway Service Centre (HSC) and caravan park for short term overnight stays and is not inconsistent with the Gunnedah Council draft housing strategy which identifies the land for potential mixed use.

The proposed HSC is ideally situated at the cross over point of two main highway routes. The site sits at the intersection of the Oxley Highway and the Kamilaroi Highway. The HSC feasibility plan caters for heavy vehicle parking and refuelling as well as fast food and other dining options. The HSC has the potential to facilitate freight growth opportunities on both the Oxley and Kamilaroi Highways routes with the caravan park increasing patronage by visitor and tourists to retail and services within Gunnedah.

The site is not considered suitable for commercial agricultural uses due to its size and being severed by the Oxley Highway. However, the dual highway frontage and proximity to Gunnedah urban area leads the site to be more suited to a HSC and caravan park.

The HSC and caravan park are not expected to apply any significant negative commercial pressure on the Gunnedah CBD, and is of a scale and type that is more appropriately located outside of existing employment areas with key major road access. A feasibility plan has been prepared (Figure 6) illustrating the proposed site layout and associated facilities. The final development will be subject to a separate development application process.

HSCs and caravan parks are currently prohibited in the RU1 Primary Production zone under Gunnedah LEP 2012. An amendment to Schedule 1 Additional Permitted Uses in the Gunnedah LEP 2012 to permit development of an HSC and caravan park with consent is considered the most appropriate approach in the circumstances as:

- changes to the RU1 Land Use Table to permit development of HSC and caravan parks may encourage these types of uses in inappropriate areas across the LGA; and
- rezoning the land for general employment purposes may result in alternate commercial activities that may be more appropriately located within existing business areas.

An amendment to Schedule 1 is the most appropriate means to achieve the outcome and objectives of the proposal.



Figure 6: Feasibility Plan for HSC and caravan park (Source: Planning Proposal)

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England Northwest (NENW) Regional Plan 2041. The NENW Regional Plan 2041 was finalised in September 2022.

It is noted that the proposal makes references to the 2036 plan and draft 2041 plan. The planning proposal will need to be updated prior to agency and community consultation to reflect only the current regional plan 2041.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1: Coordinate land use planning for future population growth, community need and regional economic development	The planning proposal is potentially inconsistent with this objective as no details have been provided indicating whether the site can be sewerred (the site is outside Gunnedah Council's Development Servicing Plan for Sewage). While the land is outside the currently adopted flood planning area, further detail confirming the PMF and suitability of the proposal is also recommended to be included prior to consultation.
Objective 2: Protect the viability and integrity of rural land.	The planning proposal is inconsistent with the objective, as the site is zoned RU1 Primary Production, has been used for agriculture in the past and is partly identified as biophysical strategic agricultural land (BSAL) under the SEPP (Mining, Petroleum Production and Extractive Industries) 2007. While the inconsistency is considered likely to be of minor significance due to the small area of BSAL involved and the likely future transition of the area to urban purposes, it is considered that this matter should stay unresolved until consultation has been undertaken with DPI Agriculture.
Objective 5: Enhance the diversity and strength of CBD's and town centres.	The planning proposal is not inconsistent with this objective as by facilitating the development through an additional permitted use, and not rezoning the land to employment, safeguards the Gunnedah town centre leaking other uses. The caravan park has the potential to increase patronage from visitors staying overnight at the site and to utilise the services within the CBD.
Objective 8: Adapt to climate change and natural hazards and increase climate resilience	The planning proposal may potentially be inconsistent with this objective as no information has been provided regarding the PMF or hazard levels. It is recommended that this matter remain unresolved at present and that further information addressing these issues be included in the proposal prior to consultation with the NSW Biodiversity and Conservation Division.
Objective 20: Improve state and regional freight connectivity.	The planning proposal is consistent with this objective as the HSC will enhance the freight transport network by providing areas for freight drivers to rest and refuel between major interstate routes and access to north-south highways including the New England and Newell Highways. Consultation with Transport for NSW is recommended

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The planning proposal is not inconsistent with the Gunnedah LSPS. The site of the HSC and caravan park is not expected to impact on the liveability of Gunnedah as it is situated on the outskirts of town. Its position at the intersection of the Oxley and Kamilaroi Highways will likely strengthen freight networks and opportunities.
Gunnedah Community Strategic Plan	The planning proposal is consistent with the Gunnedah Community Strategic Plan as it promotes new business and investment, supports main transport routes and the size of the land ensures sensitive areas can likely be avoided by appropriate site layout.
Gunnedah Shire Rural Strategy	Although the rural strategy focuses development to the southwest of Gunnedah, the site accessibility as a key entry point to Gunnedah gives it strategic importance.

3.3 Section 9.1 Ministerial Directions

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

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	No - Unresolved	As discussed above, a number of potential inconsistencies exist that require further information before they can be resolved.
9.2 Rural Lands	No – Unresolved	The proposal is inconsistent with this Direction as it will affect land within an existing rural zone and does not support all the Direction's requirements (such as supporting farmers in exercising their right to farm). While the inconsistency is considered likely to be of minor significance due to the small area of BSAL involved and the likely future transition of the area to urban purposes, it is considered that this Direction should stay unresolved until consultation has been undertaken with DPI Agriculture.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The subject site is mostly devoid of vegetation so it is considered unlikely that the proposal will have negative impacts on threatened species or populations of threatened species or their habitats. Impacts on vegetation will be further considered through the DA process.

Gunnedah is known for its koala populations. The site is unlikely to contain habitat frequented by koalas however a small area on the eastern edge of the land is mapped by Council as containing secondary koala habitat (Figure 7).

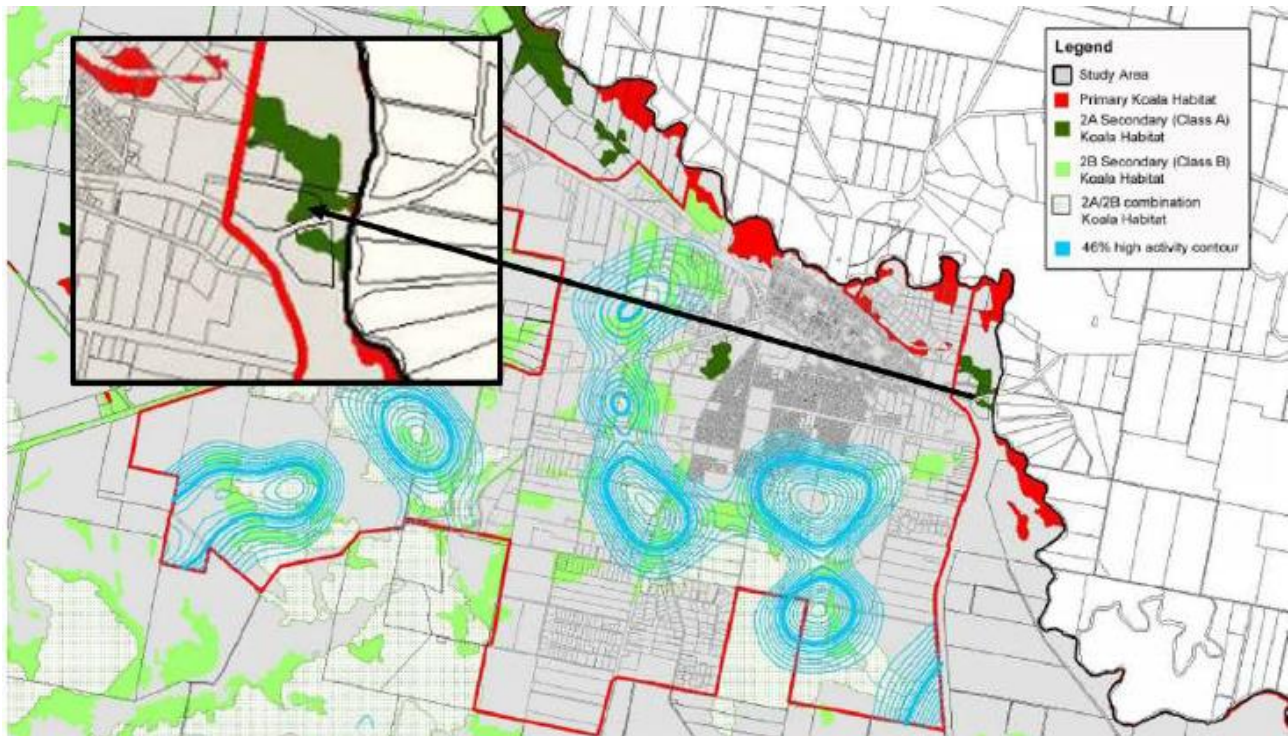


Figure 7: Potential Koala Habitat (Source: Planning Proposal)

Any habitat or native vegetation should be avoided when considering placement for the development on site. While this will primarily be a consideration during Council's assessment of any DA application for a HSC and/or caravan park on this site, it is noted that the current concept design (Figure 6) appears to retain the majority of existing trees and is generally located away from the koala area except for the access way. The Koala SEPP 2021 will need to be considered during the DA assessment stage and it is recommended that consultation be undertaken with NSW Biodiversity and Conservation to confirm the suitability of the proposal.

The planning proposal is not on bushfire prone land and no potential contamination has been identified. Flooding issues have been discussed above previously (Figure 8). While no heritage or cultural significance have been identified on the land, consultation with the Local Aboriginal Land Council is recommended.

4.2 Social and economic

The proposal is expected to have both positive economic and social outcomes. The development of the HSC will provide employment opportunities during construction and during ongoing operation.

The location of the development and the potential retail/food outlets will not detract from businesses in the CBD. The HSC location is also likely to help reduce heavy vehicle movements through the centre of town thereby improving road safety for residents and visitors.



Figure 8: Flooding Planning Area and Bushfire Prone Land (Source: Planning Proposal)

4.3 Infrastructure

Further information and consultation is required to confirm the adequacy of the infrastructure to serve the site. While the proposal confirms that the site is within the Gunnedah Water Servicing Area (Figure 9), it also identifies that the land is outside of the Gunnedah Sewage Service Area (Figure 10). The proposal should be updated prior to consultation to confirm that the site can be serviced by sewer or that adequate on-site disposal can be accommodated. Consultation with Transport for NSW is also recommended due to the location of the proposal being on the corner of two State roads.

5 Consultation

5.1 Community

Council has nominated that the planning proposal will be exhibited in accordance with conditions of the Gateway Determination. As the planning proposal relates to a change in land use, it is considered appropriate that the proposal is exhibited for a period of 28 days.

5.2 Agencies

Council has nominated the following public agency to be consulted about the planning proposal.

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

- Transport for NSW
- DPI Agriculture
- Biodiversity and Conservation Division
- Local Aboriginal Land Council

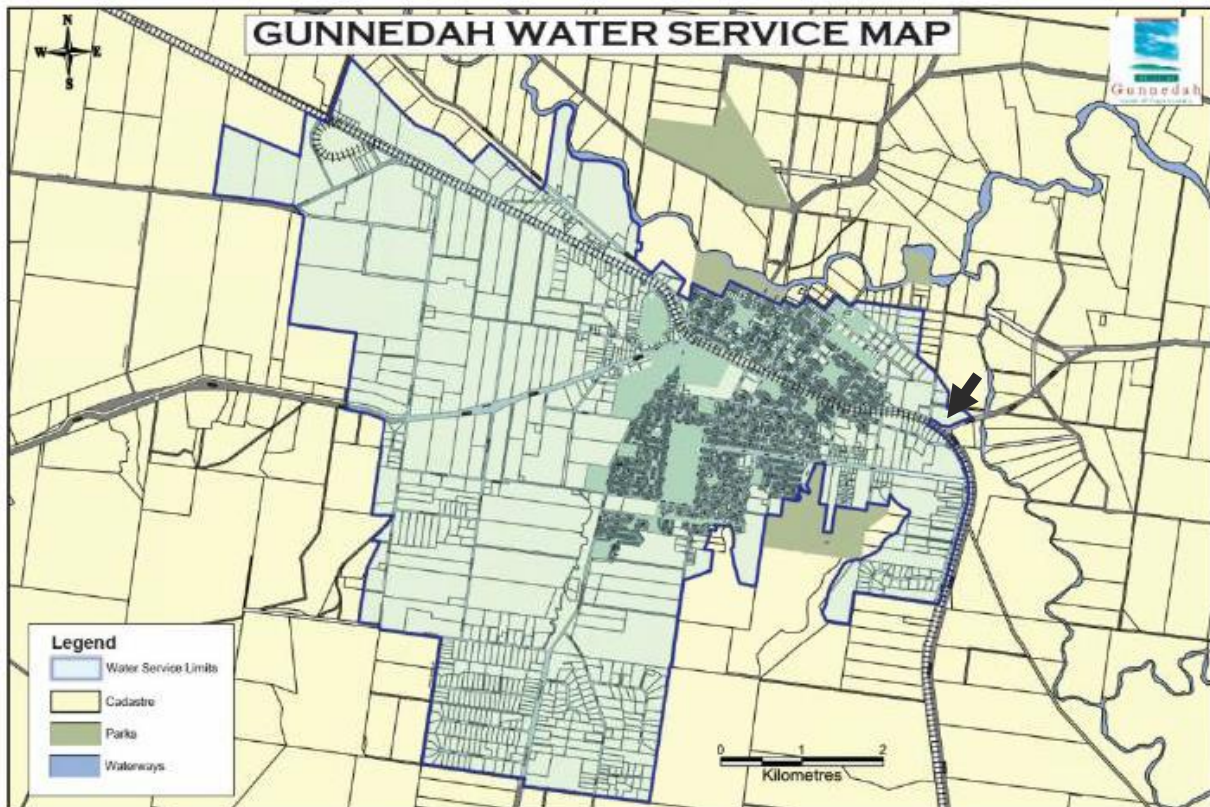


Figure 9: Gunnedah Water Servicing Map (Source: Planning Proposal)

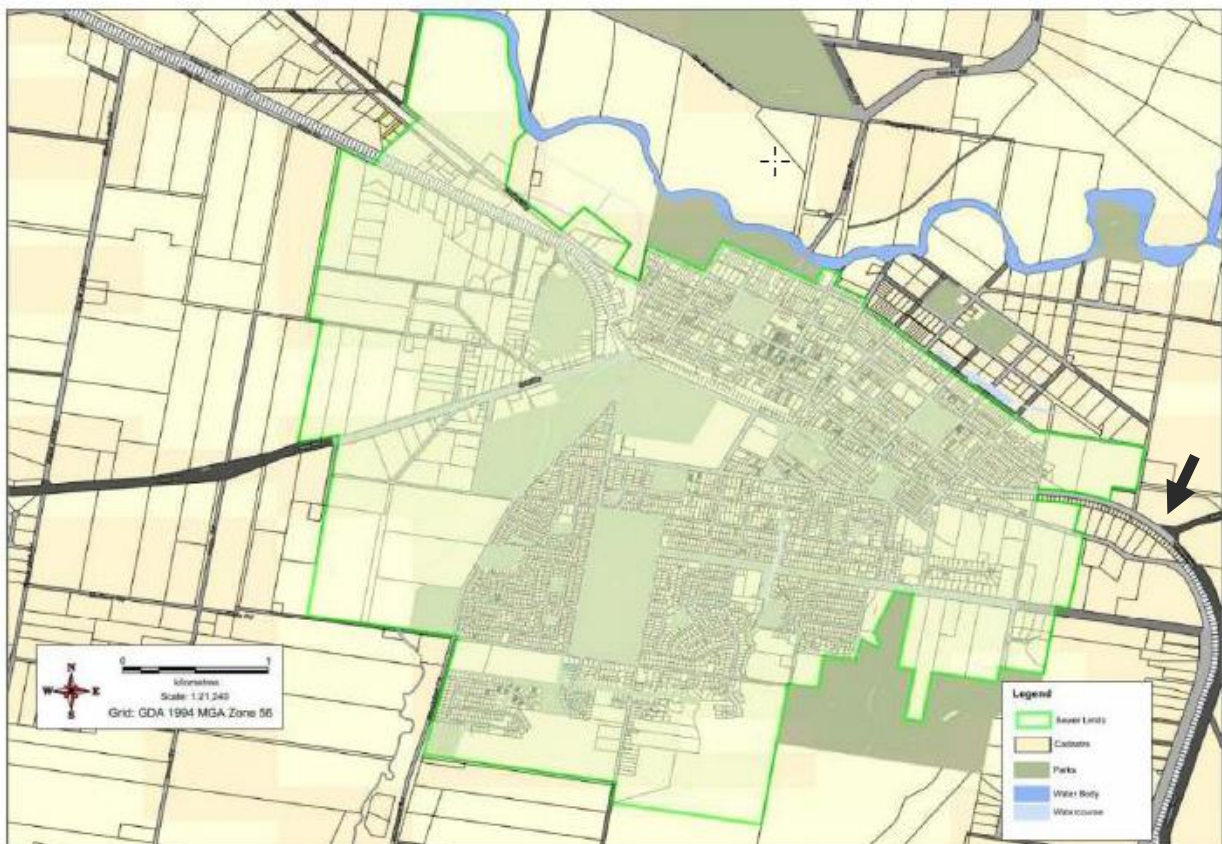


Figure 10: Gunnedah Sewage Servicing Map (Source: Planning Proposal)

6 Timeframe

Council has not provided a timeframe to complete the LEP. A timeframe of six (6) months is recommended to ensure it is completed in line with its commitment to reduce processing times.

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 involves a sensitive land use (caravan park) and it has not yet been confirmed whether the land may be potentially affected by the Probable Maximum Flood, it is recommended that Council not 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:

- facilitates the permissibility of appropriate uses on the land;
- appropriately situated next to the Oxley and Kamilaroi Highway freight routes;
- supports visitors and freight transport in the region.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans and 9.2 Rural Lands are 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 updated prior to consultation to:
 - discuss the New England North West Regional Plan 2041 rather than the New England North West Regional Plan 2036 and the draft 2041 plan;
 - confirm that the land can be adequately serviced by sewage infrastructure or that adequate on-site disposal options are available; and
 - confirm due to a caravan park being an identified sensitive development for flooding, whether the land is outside the Probable Maximum Flood area, and if not, include details of the suitability of the site in relation to flood hazard level, any likely land filling and potential impacts on other properties, evacuation route, flood warning time and inundation period.
2. Consultation is required with the following public authority:
 - Transport for NSW
 - DPI Agriculture
 - Biodiversity and Conservation Division
 - Local Aboriginal Land Council
3. The planning proposal should be made available for community consultation for a minimum of 30 days.
4. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.

5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



16/2/23

(Signature)

(Date)

Craig Diss

Manager, Northern Region



24/2/2023

(Signature)

(Date)

Jeremy Gray

Director, Northern Region

Assessment officer

Jenny Johnson

Planning Officer, Northern Region

6643 6414