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IRF23/1074

Gateway determination report – PP-2022-383

To rezone Lots 27 and 28 DP 755474, 210 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size.

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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
Proposed Rezoning Lots 27 & 28 in DP755474 210 Bushs Lane, Gunnedah – From RU4 to R5 Large Lot Residential with a Minimum Lot Size of 9,000 square metres – Prepared by Stewart Surveys Pty Ltd dated 14 February 2023
Soil Investigations Melville Haul Road, Whitehaven Washery, Gunnedah – Prepared by East West Enviro Ag dated 29th August 2014

Soil Investigations (2) Melville Haul Road, Whitehaven Washery, Gunnedah – Prepared by East West Enviro Ag dated 23rd October 2014

Archaeological Assessment/Survey of Lots 27 and 28 (DP755474) adjacent to Robert Gordon Road, South Gunnedah in North-Western NSW, prepared for JA Ewing Superannuation Fund of Gunnedah – Prepared by Patrick Gaynor, dated May 2021

Draft Deed 170 and 210 Bushs Lane Planning Agreement – prepared by Lindsay Taylor Lawyers dated 23 March 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Gunnedah Shire Council
PPA	Gunnedah Shire Council
NAME	To rezone Lots 27 and 28 DP 755474, 210 Bushs Lane, Gunnedah from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size.
NUMBER	PP-2022-383
LEP TO BE AMENDED	Gunnedah Local Environmental Plan 2012
ADDRESS	210 Bushs Lane, Gunnedah
DESCRIPTION	Lots 27 and 28 DP755474
RECEIVED	28/04/2023
FILE NO.	IRF23/1074
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 the Gunnedah Local Environmental Plan (LEP) 2012 to help facilitate development of Lots 27 and 28 in DP 755474 for large lot residential purposes to:

- provide additional rural residential housing in close proximity to the town of Gunnedah;
- contribute to the residential community by supporting public services and extending services to the development; and
- deliver the recommendations of the draft Gunnedah Shire Council Local Housing Strategy (LHS).

The objectives of this planning proposal are clear and adequate; however, it is recommended the objectives of the proposal are updated to remove reference to the draft LHS. It is noted Council was to consider adoption of the draft LHS at the Ordinary Meeting on 21 June 2023.

1.3 Explanation of provisions

The planning proposal seeks to amend the Gunnedah LEP 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU4 Primary Production Small Lots	R5 Large Lot Residential
Minimum lot size	10 hectares	9,000m ²
Number of dwellings	0 (6 as per MLS)	61

As the adjoining land to the east is already zoned R5, it is considered the parts of the Robert Gordon Road, road reserve adjoining the land should also be rezoned. The planning proposal will need to be updated to address this requirement and has been identified as a condition of the Gateway determination.

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 site is located within the locality of Gunnedah with primary frontage to Bushs Lane and secondary frontage to Robert Gordon Road. Lot 27 is 30.35 hectares in area and Lot 28 has an area of 30.15 hectares, comprising a total site area of 60.5 hectares. The site is adjoined by R5 Large Lot Residential development to the east, with lot sizes varying from 7,922 square metres to 4.4 hectares. The Gunnedah Central Business District (CBD) is located approximately 8 kilometres north-east of the site (**Figure 1**).

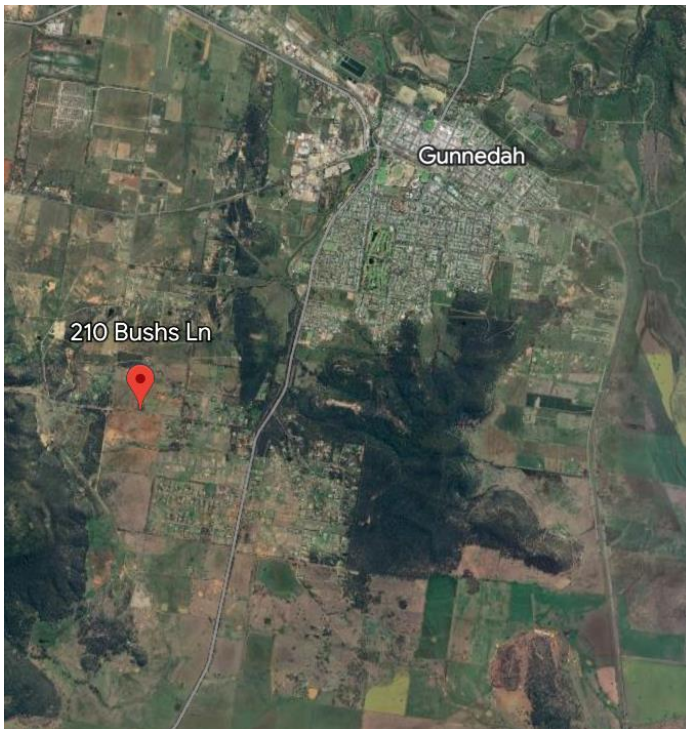


Figure 1 Locality map (source: Google Earth)

The subject site (**Figure 2**) is vacant land currently utilised for agricultural pursuits of cattle grazing and fodder crops. Improvements on the site include a steel set of cattle yards and rural fencing.

An intermittent gully traverses the centre of the site and feeds into the Blackjack Creek catchment to the east of the subject site. There is some native vegetation along this gully and planted trees in the western section.

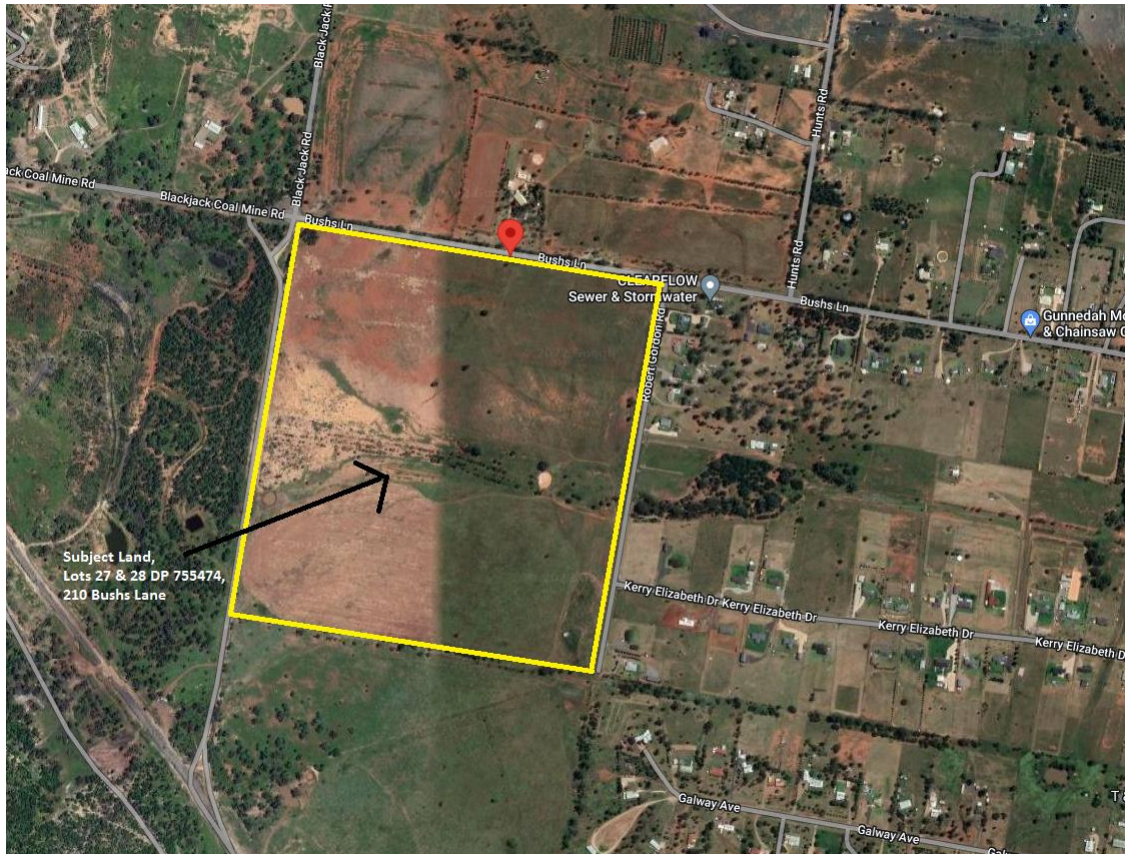


Figure 2 Subject site (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and lot size maps (see **Figures 3-6**). The maps will need to be updated prior to community consultation because it is recommended the Robert Gordon Road, road reserve adjoining the land is also rezoned. This has been identified as a condition of the Gateway determination.

All maps will need to be prepared to the Department's Standard Technical Requirements prior to the plan being finalised.

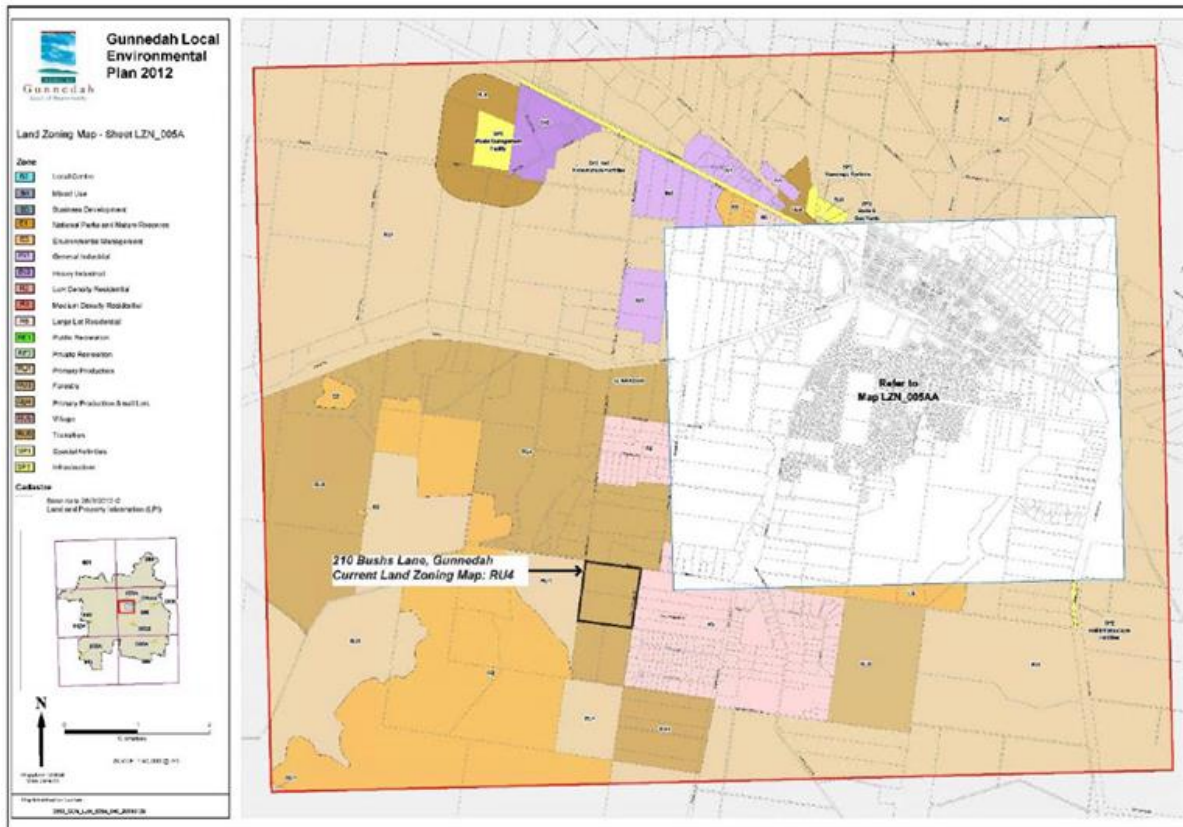


Figure 3 Current zoning map

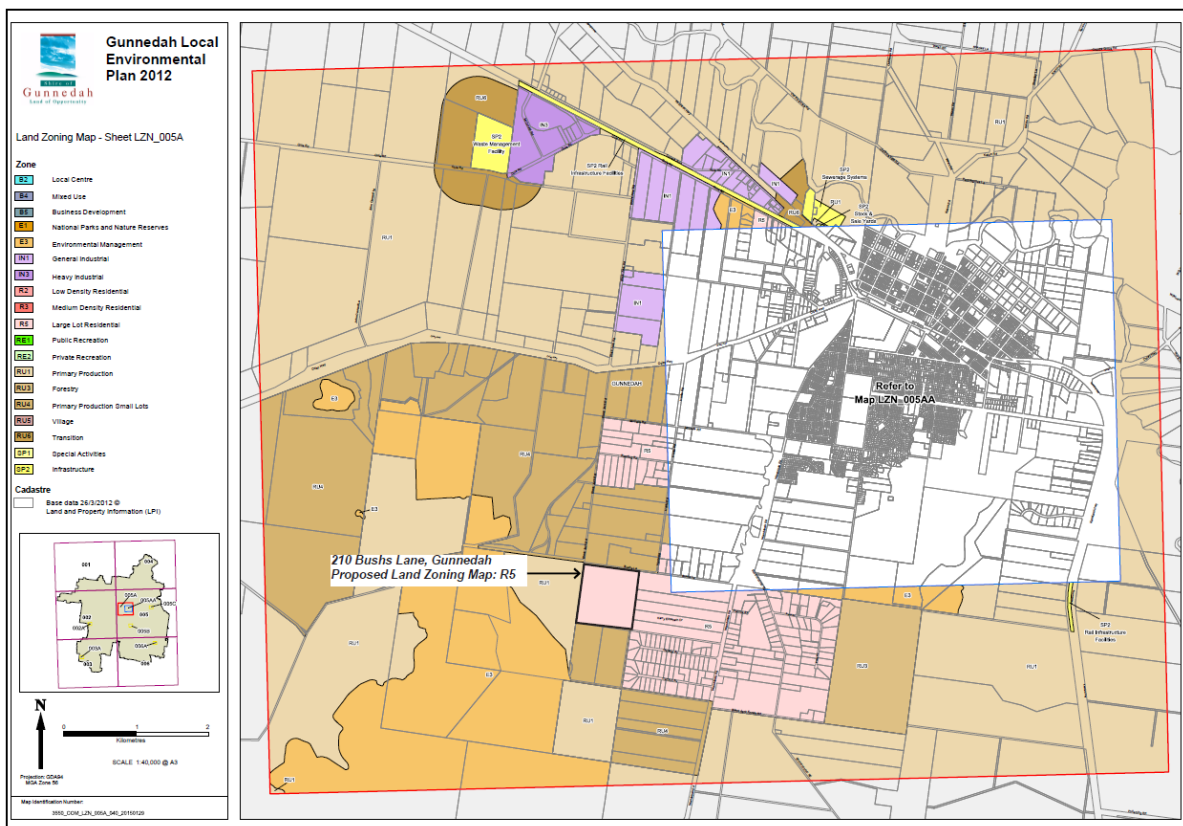


Figure 4 Proposed zoning map

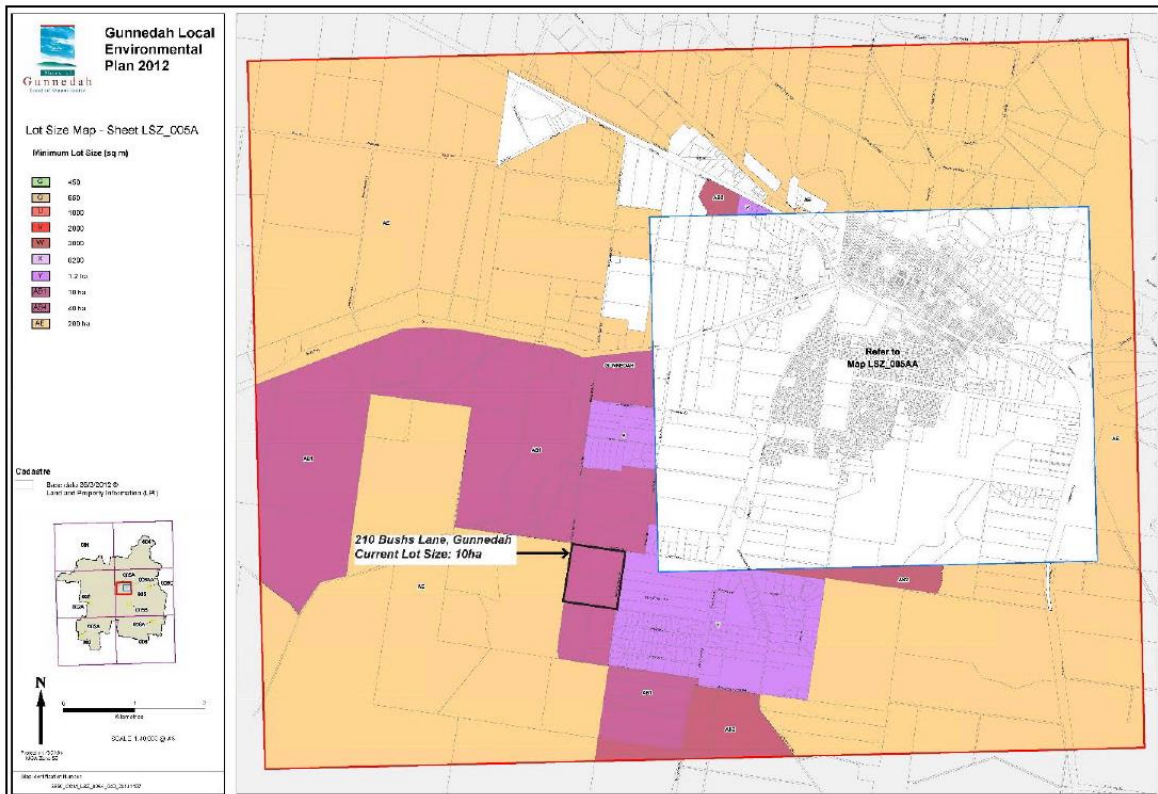


Figure 5 Existing minimum lot size map

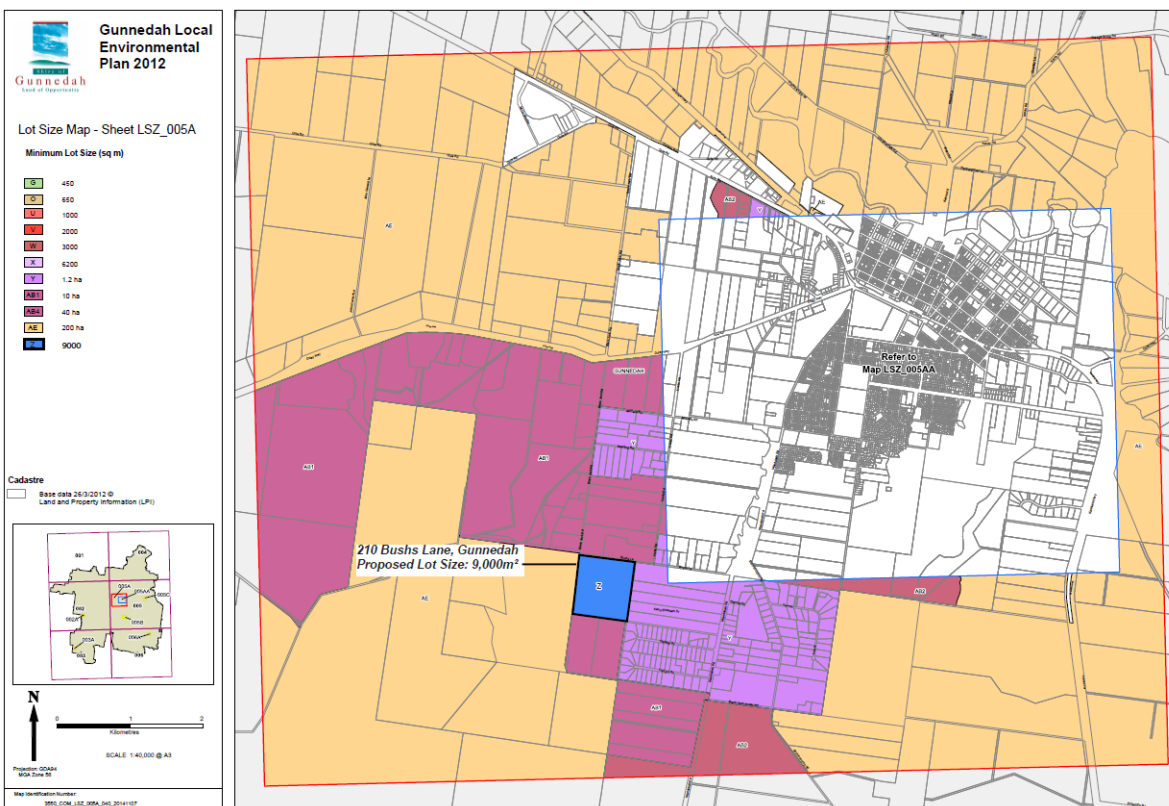


Figure 6 Proposed minimum lot size map

2 Need for the planning proposal

The proposal is neither the result of an endorsed strategy or a study. The proposal aims to satisfy the shortage of and high demand for, large lot residential land in Gunnedah.

The strategic assessment within the planning proposal focuses on the Gunnedah Urban Landuse Strategy 2016, Volume 4 - Residential Strategy (Residential Strategy) and draft LHS. In summary:

- The Residential Strategy evaluates land identified in the Gunnedah Shire Environmental Study 1982 not already zoned as residential. The Residential Strategy recommended the status quo be retained for this land until other nominated development areas had been exhausted when it may be re-evaluated based on infrastructure availability. The Residential Strategy has not been endorsed by the Department.
- The draft LHS aims to provide a comprehensive overview of residential land availability in Gunnedah. The draft LHS recommends the site as an opportunity to be rezoned to R5 with a minimum lot size of less than 1 hectare. The draft LHS was to be considered by Council for adoption at the Ordinary Meeting on 21 June 2023. The draft LHS has not been endorsed by the Department.

The relevant and only Department endorsed strategy applicable to the proposal is the Gunnedah Local Environmental Study (Bridging Report) 2010 which incorporates the Gunnedah Rural Lands Strategy 2009 (Rural Lands Strategy) and Gunnedah Shire Commercial and Industrial Lands Study 2009. The Bridging Report is discussed in detail in section 3.2 of this report. The planning proposal does not address the Bridging Report or Rural Lands Strategy and will need to be updated prior to community consultation. This requirement is a condition of the Gateway determination.

The proposed amendment to the land zoning and minimum lot size maps is considered to be the most appropriate method of achieving the objectives and intended outcomes of the 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 North West (NENW) Regional Plan 2041. The NENW Regional Plan 2041 was finalised in September 2022.

The proposal includes a discussion of the proposal's consistency with the 2036 plan and does not consider the NENW Regional Plan 2041. As such, the proposal must be updated prior to agency and community consultation to address the 2041 plan and this requirement forms part of the Gateway conditions.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Part 1 Growth, change and opportunity	<p><i>Objective 1: Coordinate land use planning for future growth, community need and regional economic development</i></p> <p>The proposal states that the development will make efficient use of existing services and infrastructure. Reticulated water supply will be available to the site following the completion of upgrade works to the pump capacity at Links Road Reservoir. A Voluntary Planning Agreement (VPA) is proposed to ensure these works are completed at the cost of the proponent.</p>

Part 2 Productive and innovative	<p><i>Objective 2: Protect the viability and integrity of rural land</i></p> <p>The subject land is not identified as Biophysical Strategic Agricultural Land (BSAL) and the proposal states the soil landscape has limitations and qualities including moderate soil fertility, localised foundation hazard, widespread recharge zone, localised salinity hazard and localised gully and sheet erosion hazard. It is; however, recommended consultation be carried out with NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the proposal.</p> <p><i>Objective 4: Responsibly manage mineral resources</i></p> <p>The proposal indicates that there are no mining leases present on the subject site. However, the proposed rezoning of the site will have the effect of prohibiting extractive industries on the land and adjoins a former coal mine (and mine subsidence district) which is currently undergoing rehabilitation. It is recommended that consultation is undertaken with the Mining, Exploration and Geoscience Division of the Department of Regional NSW in relation to the suitability of the planning proposal.</p>
Part 3 Sustainable and resilient	<p><i>Objective 11: Sustainably manage and conserve water resources</i></p> <p>The proposal will result in approximately 61 new large lot residential allotments which will draw water from the town water supply in Gunnedah. Reticulated water supply will be available to the site following the completion of upgrade works to the pump capacity at Links Road Reservoir. A Voluntary Planning Agreement (VPA) is proposed to ensure these works are completed at the cost of the proponent.</p> <p><i>Objective 12: Protect regional biodiversity and areas of High Environmental Value (HEV)</i></p> <p>The subject site is mapped as containing potential HEV land. As the proposal does not avoid impacts on identified HEV land at the planning proposal stage, the proposal is inconsistent with this Objective. This is further discussed in Parts 3 and 4.</p>
Part 4 Housing and place	<p><i>Objective 13: Provide well located housing options to meet demand</i></p> <p>The planning proposal is inconsistent with this Objective because Strategy 13.3 states that new rural residential housing is to be located on land which has been approved in an existing strategy and endorsed by the Department.</p> <p>It is considered reasonable the planning proposal proceed on the basis it is an extension of the existing land use pattern and the site is unlikely to have long term agricultural viability due to its size, soil profile and proximity to existing R5 land. However, the consistency with the NENW Regional Plan 2041 will remain unresolved until the reports required by the Gateway determination have been prepared and agency consultation has been undertaken.</p>

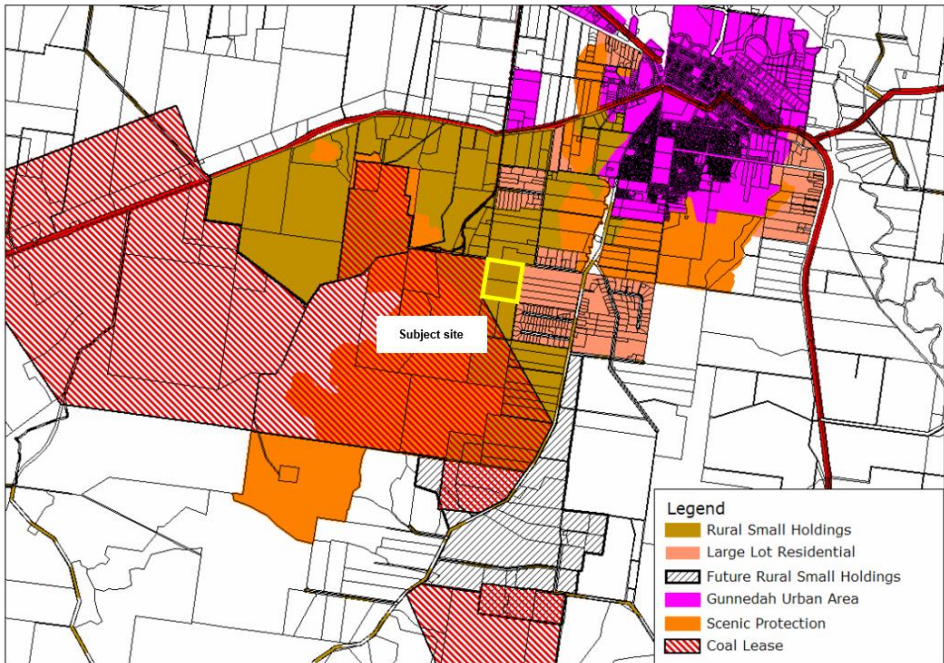
Part 4 Housing and place	<p><i>Objective 14: Provide more affordable and low cost housing</i></p> <p>The proposal states that a reduced minimum lot size will result in lower development costs per lot, which can result in more affordable housing across the development.</p> <p><i>Objective 15: Understand, respect and integrate Aboriginal culture and heritage</i></p> <p>AHIMS search carried out by the proponent on 3 December 2020 indicated one Aboriginal site has been recorded in or near Lot 27 DP 755474.</p> <p>An Archaeological Assessment prepared by Patrick Gaynor dated May 2021 was submitted with the proposal which identified three artefacts of cultural value.</p> <p>The archaeological report concluded that with the recommended fencing of sites to prevent disturbance and due diligence by construction contractors for incidental finds, the proposal is not likely to significantly affect Aboriginal cultural heritage in this area. However, it is recommended consultation be carried out with the Red Chief Local Aboriginal Land Council (LALC) and Heritage NSW to confirm the suitability of the proposal. This consultation is required as a condition of Gateway approval</p> <p><i>Objective 17: Celebrate local character</i></p> <p>The proposal is not inconsistent with the local character of the area given the site directly adjoins an area of R5 Large Lot Residential zoned land.</p>
Part 5 Connected and accessible	<p><i>Objective 19: Leverage new and upgraded infrastructure</i></p> <p>The proposal will require the extension of services to each allotment. In order to support the planning proposal, a VPA is required to ensure that the upgrade works to the pump capacity at Links Road Reservoir are paid to guarantee that the land can be serviced by Council's reticulated water supply service.</p> <p><i>Objective 21: Improve active and public transport networks</i></p> <p>The proposal states that Gunnedah does not have a public transport system which encompasses this area of the town. The school bus currently travels along Robert Gordon Road and past the subject site providing transport for school aged children living in this area along an existing route. There are no pedestrian paths in this area but if demand requires, a footpath network could be constructed in the future along Robert Gordon Road, Bushs Lane and the proposed subdivision road. It is recommended consultation is undertaken with Transport for NSW (TfNSW) to confirm the suitability of the proposal.</p>
Local Government Narratives	<p>The proposal is consistent with the Local Government Narratives in that it will assist in delivering a variety of housing options in Gunnedah.</p>

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 5 Local strategic planning assessment

Local Strategies	Justification
Gunnedah Shire Local Strategic Planning Statement – Future 2040 (LSPS)	<p>The LSPS was adopted by Council on 12 August 2020. The proposal is not inconsistent with the following planning priorities contained in the LSPS:</p> <p><i>Local Planning Priority 7 – Housing types for lifestyle diversity</i></p> <p>The proposal is not inconsistent with this priority as it will assist in providing a range of housing types in Gunnedah.</p> <p><i>Local Planning Priority 11 – Preserve biodiversity and prepare for climate change</i></p> <p>The proposal is not inconsistent with this priority as the majority of native vegetation at the site is recorded to be in low condition.</p>
Gunnedah Community Strategy Plan 2017 to 2027 (CSP)	<p>The proposal aligns with the objectives of the CSP in that it will assist in providing housing diversity in Gunnedah.</p>
Gunnedah Rural Land Use Strategy 2007 and Gunnedah Local Environmental Study (Bridging Report) 2010	<p>The Gunnedah Rural Land Strategy 2007 was endorsed by the Department as a component of the Gunnedah Local Environmental Study (Bridging Report) 2010. The Bridging Report was the primary document utilised in the preparation of the Gunnedah LEP 2012 and was conditionally endorsed by the Department in 2010.</p> <p>The subject land is identified within the Rural Land Use Strategy as a 'rural small holding' (Figure 7). A key land use recommendation of the Rural Lands Strategy was that no further rural residential land should be released on the fringe of settlements. The Bridging Report also identified further fringe expansion should be prohibited due to the current sufficient supply of residential land to cater for demand.</p> <p>One of the conditions of the endorsement was that references be removed to utilising the RU4 Small Holdings zone for rural residential development.</p>

Local Strategies	Justification
	 <p>Map 7.5: Rural Small Holding Designation</p> <p>Figure 7 Identified rural small holdings (source: Gunnedah Rural Land Strategy 2007)</p> <p>The proposal is inconsistent with the Rural Lands Strategy and Bridging Report as it will rezone land to R5 on the fringe of Gunnedah. The proposal's inconsistency with the Rural Lands Strategy and Bridging Report is justified because:</p> <ul style="list-style-type: none"> • It is located adjacent to an existing R5 zone with a minimum lot size of 1.2 hectares; • It is able to be serviced by community services and key infrastructure; • It is not affected by natural hazards such as flooding or bushfire risk; • It is unlikely to increase the potential for land use conflict based on existing and future likely adjoining land uses; • It is unlikely to have long term agricultural viability due to its size, soil profile and proximity to existing R5 land; • It will accommodate Gunnedah's growing population, noting it grew 0.31% in the year to 30 June 2022; and • It will assist in delivering additional housing supply and diversity. <p>The planning proposal does not address the Bridging Report and it is recommended the proposal is updated to include discussion. This requirement forms part of the Gateway determination.</p>
Gunnedah Koala Strategy 2015	<p>The subject land is not mapped as containing koala habitat under the Koala Strategy. Targeted searches for koalas (scat searches and spotlighting) did not record any evidence of usage of areas of suitable habitat at the site. However, it is recommended consultation is carried out with the Biodiversity Conservation Division (BCD) to confirm the suitability of the proposal.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	No – Unresolved	The planning proposal is inconsistent with this Direction as the proposal is considered to be potentially inconsistent with Objectives 12, 13 and 15 of the NENW Regional Plan 2041. Consistency with this Direction will remain unresolved until a report in relation to Aboriginal cultural heritage has been prepared and consultation with the Division of Biodiversity and Conservation (BCD), Heritage NSW and the LALC has occurred.
1.4 Site Specific Provisions	No – Resolved by condition of Gateway	The planning proposal is inconsistent with this Direction as it contains drawings that show detail of the proposed development. The proposal has stated that the drawings shown are conceptual only to provide an indication for the proposed character of the development on the site and do not form part of the approval sought. The planning proposal is to be updated to remove this reference and mapping prior to exhibition as a requirement of the Gateway determination which resolves the inconsistency with this Direction.
3.1 Conservation Zones	No – Unresolved	The planning proposal is inconsistent with this Direction as it does not include provisions that facilitate the protection and conservation of environmentally sensitive areas (potential HEV land and land mapped as TEC). Consistency with this Direction will remain unresolved until consultation with BCD occurs.
3.2 Heritage Conservation	No - Unresolved	The proposal is inconsistent with this Direction as it does not contain provisions that facilitate the conservation of the Aboriginal artefacts located on the site. It is recommended that consultation is undertaken with the LALC and Heritage NSW to confirm the suitability of the proposal. Until consultation has occurred, consistency with this Direction remains unresolved.

8.1 Mining, Petroleum Production and Extractive Industries	No – Unresolved	<p>The proposal is inconsistent with this Direction in that the proposed rezoning of the site will have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.</p> <p>It is recommended that consultation is undertaken with the Mining, Exploration and Geoscience Division of the Department of Regional NSW in relation to the suitability of the planning proposal. Until consultation has occurred, consistency with this Direction remains unresolved.</p>
9.1 Rural Zones	No – Unresolved	<p>This Direction applies as the proposal will affect land within an existing rural zone. The proposal is inconsistent with this Direction as it seeks to increase the permissible density of land within a rural zone is not justified by an endorsed strategy or study.</p> <p>It is considered the proposal is a logical area for expansion of the zone to meet the demand for R5 development in Gunnedah as it adjoins established R5 development to the east and south-east, but the Direction will remain unresolved until consultation is carried out with DPI – Agriculture.</p>
9.2 Rural Lands	No – Unresolved	<p>This Direction applies as the proposal will affect land within an existing rural zone. The planning proposal is inconsistent with this Direction as it affects land that is within a rural zone and unable to fully satisfy all the requirements of the Direction.</p> <p>The proposal states the site is considered to be marginal rural land and the size of the holding is not conducive to viable agricultural pursuits. The land is also highly susceptible to erosion.</p> <p>It is considered the proposal is a logical area for expansion of the zone to meet the demand for R5 development in Gunnedah as it adjoins established R5 development to the east and south-east, but the Direction will remain unresolved until consultation is carried out with DPI – Agriculture.</p>

3.4 State environmental planning policies (SEPPs)


The planning proposal is considered consistent with all relevant SEPPs. However the proposal refers to repealed SEPPs and will need to be updated to refer to the new consolidated SEPPs prior to community consultation.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Flora and fauna	<p>The majority of the planning proposal site comprises cropped land (non-native vegetation). However, a small area of PCT 433 White Box grassy woodland to open woodland on basalt flats and rises in the Liverpool Plains sub-region, Brigalow Belt South Bioregion is mapped along the watercourse and areas of PCT 1 Native Grasslands along the southern boundary of the site (Figure 8).</p>  <p>Figure 29: Vegetation Mapping (Seed Portal)</p> <p>Figure 8: Vegetation Mapping (source: Planning Proposal)</p> <p>The proponent engaged Birdwing Ecological to conduct an ecological assessment of the site with fieldwork undertaken in May and September 2021. The following findings were reported.</p> <p>Site vegetation consists of:</p>

Environmental Impact	Assessment
	<ul style="list-style-type: none"> • cropped land (non-native vegetation) (the majority of the site); • PCT101 - Poplar Box - Yellow Box - Western Grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion (occurs as planted vegetation and derived grassland); and • PCT434 - White Box grass shrub hill woodland on clay to loam soils on volcanic and sedimentary hills in the southern Brigalow Belt South Bioregion (occurs as shrubland without an overstorey, woodland and derived grassland). <p>Birdwing Ecological has reported most native vegetation at the site is presently in a very low condition with small areas of low to moderate condition.</p> <p>Further, areas of PCT434 at the site are broadly consistent with the BC Act threatened ecological community 'White Box Yellow Box Blakely's Red Gum Woodland'. Targeted threatened flora searches undertaken within areas of suitable habitat at the site did not locate any individuals. Habitat values for threatened fauna at the site are minimal with key habitat features such as hollow-bearing trees virtually absent.</p> <p>However, some foraging habitat for several threatened microbats and birds could potentially occur. Targeted searches for koalas (scat searches and spotlighting) did not record any evidence of usage of areas of suitable habitat at the site. The proposal would remove areas of PCT434 woodland that would require ecosystem credits. All other areas of vegetation to be removed have low condition below the threshold for which ecosystem credits are required. No species credits would be required.</p> <p>Birdwing Ecological also nominate the lots are adequately sized to accommodate a driveway and building envelope without clearing of PCT434 woodland areas. However, the small size of retained areas of PCT434 within individual lots and potential future direct and indirect impacts mean that they would be considered as 100% loss in the BAM calculator and therefore require offsets.</p> <p>A Biodiversity Development Assessment Report (BDAR) will be prepared for the proposal at DA stage should the planning proposal progress. Fieldwork for the BDAR was undertaken in May and September 2021 to inform the proposed rezoning.</p>

Environmental Impact	Assessment
Contamination	<p>The historical use of the land is for agricultural purposes (cattle grazing and fodder crops), which is listed in Table 1 of the Contaminated Land Planning Guidelines.</p> <p>The subject site is located adjacent to a former extractive industry, which included underground coal mining, open cut coal mining, coal loading facilities and the like. All mining activities on the adjoining property have ceased and the adjoining site is currently undergoing remediation in accordance with the resource regulator requirements.</p> <p>Whitehaven Coal Limited commissioned two site investigation reports by East West Enviro Ag (29 August 2014 and 23 October 2014) to determine any likelihood of contamination as a result of the previous land uses.</p> <p>A preliminary Site Investigation Report has also been prepared by East West Enviro Ag (dated 4 November 2022) to assess the suitability of the subject site for its proposed use.</p> <p>The report concluded that contaminants of potential concern were not identified in soil samples at concentrations in excess of assessment criteria in all samples analysed. No further testing was recommended.</p> <p>The results of the preliminary site investigation indicate a low risk of contamination of the site from previous use for the proposed residential development.</p> <p>Council also engaged a contaminated land specialist to review the Site Investigation Reports. The review concluded that based on the reported findings of the investigations, the site can be considered suitable for the proposed residential land use.</p>
Drainage	<p>There are two natural waterways through the site which can be described as intermittent gullies. Generally, these watercourses are empty but during rain events they convey water to the east into the Blackjack Creek catchment. The Blackjack Creek Flood Study 2005 identifies the land is not flood prone.</p> <p>The proposal states that the subdivision layout has been designed to minimise impact on this waterway, allow lots to fall into the waterway or into table drains along the proposed new road and a concrete causeway will be constructed to allow unimpeded flow of water through the site. The existing three cell box culvert under Robert Gordon Road and has a large capacity to cater for storm events. During the development application process, a stormwater strategy will be prepared by an engineer to size the infrastructure in accordance with Gunnedah Shire Council's engineering and subdivision guidelines.</p> <p>It is recommended consultation with the Natural Resources Access Regulator (NRAR) be undertaken given the proximity of the proposed development to the identified watercourses.</p>

Environmental Impact	Assessment
Land use conflict	<p>The proposal states that the subject site is not located in a highly productive or agricultural resource land area. The current use of the land comprises agricultural pursuits including cattle grazing and fodder crop production. Surrounding properties have similar land uses with livestock grazing, residential dwellings and small hobby farms. The proposal indicates there are few existing rural land uses surrounding the subject site due to residential development to the east and steep topography and heavily timbered land to the west. However, it is recommended consultation be undertaken with the DPI – Agriculture to confirm the suitability of the proposal.</p>
Visual	<p>The proposal indicates views to Blackjack Mountain to the south west of the subject site a key visual feature of the locality. The mountain is heavily vegetated and is identified in Council's strategic reports as providing scenic value to the town of Gunnedah and is zoned E3 Environmental Management to protect these qualities. Due to the site topography and proposed rural residential character of the site, the planning proposal is not considered to impact the views to Blackjack Mountain or any other natural features of this locality.</p>
Heritage	<p>An AHIMS search carried out by the proponent on 3 December 2020 indicated one Aboriginal site has been recorded in or near Lot 27 DP 755474.</p> <p>An Archaeological Assessment prepared by Patrick Gaynor dated May 2021 was submitted with the proposal.</p> <p>This assessment identified three artefacts of cultural significance adjacent to the watercourse approximately 87 metres west of Robert Gordon Road and a further 62 metres west of the first artefact.</p> <p>These artefacts are described below:</p> <ul style="list-style-type: none"> • Mudstone flake blade shaped 35 x 17 x 7 mm focal platform notched edge, located on ants nest; • Mudstone flake 18 x 17 x 3mm focal platform – later used as a cone, located on ants nest; and • Chalcedony flake – focal platform sharp edges 15% cortex from an outcrop, located east end of site. <p>Following consultation with representatives of the Red Chief Aboriginal Land Council, it was recommended that an area of 62x5 metres towards the watercourse be excluded from any earthmoving and star posts be placed around the artefacts at each end of the site with appropriate wire. The report also recommended wire to be placed around the posts in the 2011 Marshmead 3 site and that an area of 15 metres around this site also be excluded from disturbance such as driveways or gardens.</p> <p>The archaeological report concluded that with the recommended fencing of sites to prevent disturbance and due diligence by construction contractors for incidental finds, the proposal is not likely to significantly affect Aboriginal cultural heritage in this area. However, it is recommended consultation be carried out with the Red Chief Local Aboriginal Land Council (LALC) and Heritage NSW to confirm the suitability of the proposal. This consultation is required as a condition of Gateway approval.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The proposal would result in 13 rural residential lots. It is considered the proposal would result in positive social impacts in contributing to a range of housing options in Gunnedah and being located immediately adjacent to existing R5 zoned land in Gunnedah, the future residential subdivision of the site will achieve physical integration with this area.
Economic	No negative economic effects are anticipated from the intended outcomes of the proposal.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 9 Infrastructure assessment

Infrastructure	Assessment
Local	<p><i>Vehicular access</i></p> <p>Vehicular access is proposed via a new loop road off Robert Gordon Road. The site also has frontage to Bushs Lane and does not currently use or require this Crown road for access.</p> <p><i>Traffic</i></p> <p>The proposal has indicated that the public road network surrounding the site includes bitumen seal to Robert Gordon Road for the full extent of the development and gravel formation to Bushs Lane, extending from the intersection of Robert Gordon Road to the western boundary of the site.</p> <p>A subsequent development application and consent will require the developer to provide a bitumen sealed road in accordance with Council's engineering and subdivision guidelines to the gravel section of Bushs Lane resulting in bitumen sealed road frontage across this property.</p> <p>The proposal has not addressed traffic generation associated with the proposed development. It is recommended consultation is undertaken with Transport for NSW (TfNSW) to confirm the suitability of the proposal.</p> <p><i>Water servicing</i></p> <p>Council has received technical advice from consultants that the supply water to the proposed development from Gallens Reservoir was not viable due to insufficient elevation from the reservoir and inadequate pump capacity.</p>

	<p>Therefore, the additional demand on Gallens Reservoir generated by the planning proposal would not be acceptable.</p> <p>The current Gunnedah Shire Development Servicing Plan (DSP) for water supply and sewerage includes the provision for the construction of a new reservoir, which would adequately service the proposed development. However, this is not scheduled until approximately 2029. It was therefore proposed that the proponents pay for an upgrade to the pump capacity at Links Road Reservoir to bring forward the proposed water infrastructure upgrades.</p> <p>In order to support the planning proposal, a Voluntary Planning Agreement (VPA) is required to ensure that the upgrade works to the pump capacity at Links Road Reservoir are paid to guarantee that the land can be serviced by Council's reticulated water supply service.</p> <p>A draft VPA has been prepared. At the Ordinary Meeting of 19 April 2023, Council resolved to endorse the draft VPA for public exhibition.</p> <p><i>Sewer servicing</i></p> <p>In accordance with the Gunnedah Development Control Plan (DCP), lots greater than 3,000 square metres are to be serviced by on-site sewage management (OSSM) systems. These systems are installed at the time of dwelling house construction and will be considered as part of future development applications.</p> <p><i>Telecommunications and electricity</i></p> <p>The existing telecommunication and electricity infrastructure can be extended to service the planning proposal site.</p> <p><i>Waste Management</i></p> <p>Council has an existing waste management facility with capacity to service the current and any additional demand generated by future residential development on the site.</p> <p>All of these issues can be suitably addressed as part of any future development application lodged.</p>
State	<p>The proposal has not addressed the potential need for State public infrastructure however it is not anticipated that there will be any impact on State or regional infrastructure or the requirement for additional funding as the result of this proposal.</p>

5 Consultation

5.1 Community

A community consultation period of 14 days is proposed on the basis the proposal is a basic planning proposal.

The proposal does not align with the criteria for a basic planning proposal specified by the Local Environmental Plan Making Guidelines, 2022. An exhibition period of 20 working days is required for a standard planning proposal. This requirement forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has not identified any public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Red Chief Local Aboriginal Land Council
- Heritage NSW
- Transport for NSW
- NSW Department of Primary Industries – Agriculture
- Biodiversity and Conservation Division
- NSW Natural Resources Access Regulator
- Mining, Exploration and Geoscience

6 Timeframe

Council has not proposed a timeframe to complete the LEP.

The Department recommends a time frame of six months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal relates to local planning matters that are not considered to be contentious in nature, 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 proposal will assist in delivering additional housing supply and diversity in Gunnedah; and
- the proposal is a logical area for expansion of the R5 zone.

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

- update the objectives and intended outcomes of the proposal to remove reference to the draft Gunnedah Shire Local Housing Strategy;
- remove references to the New England North West Regional Plan 2036 and address the New England North West Regional Plan 2041;
- address the Gunnedah Local Environmental Study (Bridging Report) 2010 which incorporates the Gunnedah Shire Rural Lands Strategy;
- remove references to and any mapping related to the concept subdivision;
- extend the proposed land zoning and minimum lot size to the Robert Gordon Road, road reserve adjoining the land
- update the project timeframe table; and
- address consolidated State Environmental Planning Policies.

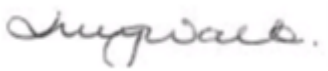
9 Recommendation

It is recommended the delegate of the Secretary:

- **agree** the inconsistency with section 9.1 Direction 1.4 Site Specific Provisions has been resolved by a condition of the Gateway determination; and
- **note** that the consistency with section 9.1 Direction 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones 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. Prior to community consultation the planning proposal is to be updated to:
 - update the objectives and intended outcomes of the proposal to remove reference to the draft Gunnedah Shire Local Housing Strategy;
 - remove references to the New England North West Regional Plan 2036 and address the New England North West Regional Plan 2041;
 - address the Gunnedah Local Environmental Study (Bridging Report) 2010 which incorporates the Gunnedah Shire Rural Lands Strategy;
 - remove references to and any mapping related to the concept subdivision;
 - extend the proposed land zoning and minimum lot size to the Robert Gordon Road, road reserve adjoining the land
 - update the project timeframe table; and
 - address consolidated State Environmental Planning Policies
2. Consultation is required with the following public authorities:
 - Red Chief Local Aboriginal Land Council
 - Heritage NSW
 - Transport for NSW
 - NSW Department of Primary Industries – Agriculture
 - Biodiversity and Conservation Division
 - NSW Natural Resources Access Regulator
 - Mining, Exploration and Geoscience
3. The planning proposal should be made available for community consultation for a minimum of 20 working 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 be authorised to be the local plan-making authority.



19/06/2023

(Signature)

(Date)

Lucy Walker
Manager, Local & Regional Planning
Northern Region



28/6/2023

(Signature)

(Date)

Jeremy Gray
Director, Northern Region

Assessment officer

Georgia Weallans
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