



IRF23/1135

## Gateway determination report – PP-2022-81

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To rezone Lot 1 DP 861697, 170 Bushs Lane, Gunnedah land 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.

## Contents

<b>1</b>	<b>Planning proposal.....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions .....	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	4
1.6	Background .....	6
<b>2</b>	<b>Need for the planning proposal .....</b>	<b>6</b>
<b>3</b>	<b>Strategic assessment .....</b>	<b>7</b>
3.1	Regional Plan .....	7
3.2	Local.....	10
3.3	Section 9.1 Ministerial Directions .....	12
3.4	State environmental planning policies (SEPPs) .....	15
<b>4</b>	<b>Site-specific assessment .....</b>	<b>15</b>
4.1	Environmental.....	15
4.2	Social and economic.....	17
4.3	Infrastructure .....	18
<b>5</b>	<b>Consultation.....</b>	<b>19</b>
5.1	Community .....	19
5.2	Agencies.....	19
<b>6</b>	<b>Timeframe .....</b>	<b>20</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>20</b>
<b>8</b>	<b>Assessment summary .....</b>	<b>20</b>
<b>9</b>	<b>Recommendation.....</b>	<b>20</b>

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

### Relevant reports and plans

Proposed Rezoning Lot 1 in DP 861697 170 Bushs Lane, Gunnedah – From RU4 to R5 Large Lot Residential with a Minimum Lot Size of 1.2 Hectares – Prepared by Stewart Surveys Pty Ltd dated 3 May 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Gunnedah Shire Council</b>
<b>PPA</b>	Gunnedah Shire Council
<b>NAME</b>	To rezone Lot 1 DP861697, 170 Bushs Lane, Gunnedah land from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size.
<b>NUMBER</b>	PP-2022-81
<b>LEP TO BE AMENDED</b>	Gunnedah Local Environmental Plan (LEP) 2012
<b>ADDRESS</b>	170 Bushs Lane, Gunnedah
<b>DESCRIPTION</b>	Lot 1 DP861697
<b>RECEIVED</b>	5/05/2023
<b>FILE NO.</b>	IRF23/1135
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	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 objectives of the planning proposal are to:

- provide additional rural residential housing in close proximity to the town of Gunnedah; and
- contribute to the residential community by supporting public services and extending services to the development.

The objectives of this planning proposal are clear and adequate.

## 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	1.2 hectares
Number of dwellings	1 (under current MLS)	13

A separate planning proposal (PP-2022-383) has been prepared to rezone the adjacent property at 210 Bushs Lane to R5. As either side of Bushes Lane in this location is proposed to be zoned R5 and the adjoining land to the east is already zoned R5, it is considered the parts of the Bushs Lane and Hunt Road, road reserves 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.

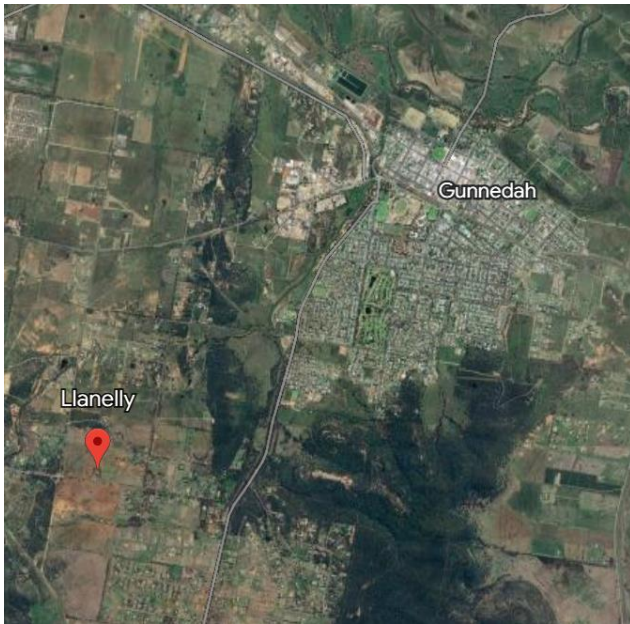
It is noted the draft Gunnedah Local Housing Strategy (LHS) was exhibited in October – November 2021 and recommends a minimum lot size of less than 1 hectare for the land. Should both the draft LHS and the planning proposal progress to endorsement / finalisation, it is recommended that Council be encouraged in the covering letter to the Gateway determination that the minimum lot size for the proposal and the final LHS are aligned. It is noted the draft LHS was to be considered by Council for adoption at the Ordinary Meeting on 21 June 2023.

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 land is described as Lot 1 DP 861697, known as 170 Bushs Lane, Gunnedah. The site is irregular in shape with a total area of 16.99 hectares.

The Gunnedah Central Business District (CBD) is located approximately 8 kilometres north-east of the site. The subject site is located in a current area of large lot residential development with adjoining land along Bushs Lane, Robert Gordon Drive and Kerry Elizabeth Drive containing 1.2 hectare large lot residential holdings (**Figures 1 and 2**).



**Figure 1 Locality map (source: Google Earth)**



**Figure 2 Site context (source: Council Report)**

The property comprises a small rural holding used for horse grazing and contains a single dwelling house, associated outbuildings and yards. Vehicular access to the site is currently obtained from Bushs Lane (**Figure 3**).





Figure 3 Subject site (source: Planning Proposal)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and minimum lot size maps (**Figures 4 to 7**). These maps will need to be updated prior to community consultation because it is recommended sections of Bushes Lane and Hunt Road road reserves adjoining the land are rezoned. These requirements have been identified as conditions of the Gateway determination.

Maps consistent with the Standard Technical Requirements will need to be prepared before the making of the LEP amendment.

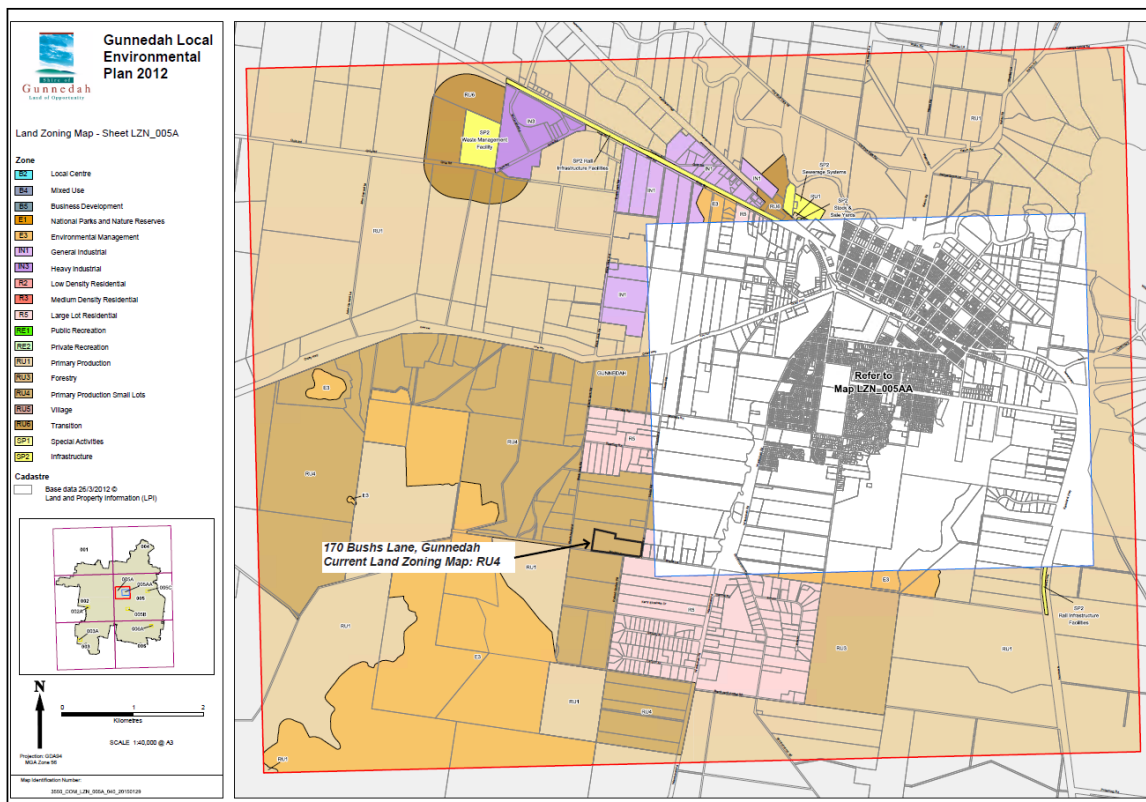
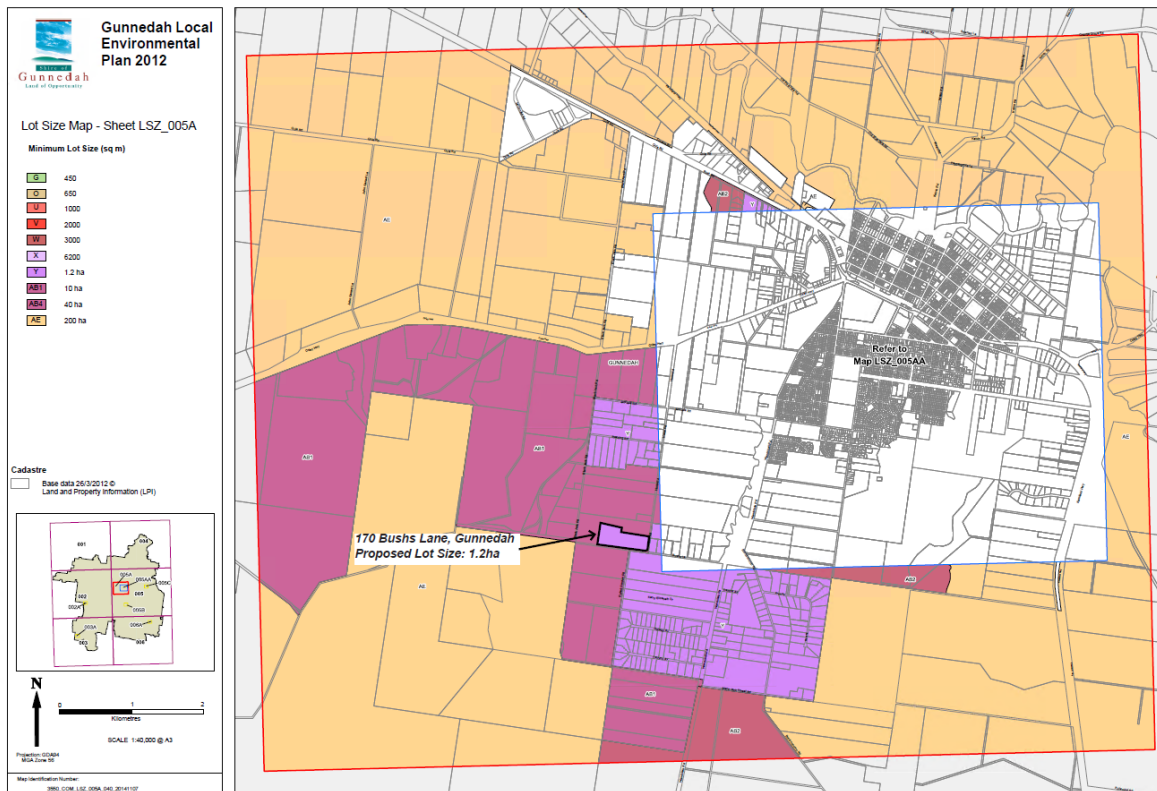


Figure 4 Current zoning map







**Figure 7 Proposed minimum lot size map**

## 1.6 Background

The planning proposal was originally lodged with Council on 11 January 2022. Council had requested additional information from the applicant and issues had been identified in relation to the capacity for water supply servicing. This has been addressed via the preparation of a draft Voluntary Planning Agreement (VPA) between the proponent and Council to ensure the provision of reticulated water supply.

## 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 NENW Regional Plan 2041 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 according to Min View. However, the proposed rezoning of the site will have the effect of prohibiting extractive industries on the land. It is recommended that consultation is undertaken with the Mining, Exploration and Geoscience Division of the Department of Regional NSW (GCNSW) in relation to the suitability of the planning proposal.</p>

Part 3 Sustainable  
and resilient

*Objective 11: Sustainably manage and conserve water resources*

The proposal will result in approximately 13 new residential allotments which has the potential to impact upon water supply in Gunnedah 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

*Objective 12: Protect regional biodiversity and areas of High Environmental Value (HEV)*

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.

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> <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>The proposal states there are no known items of heritage significance on the site.</p> <p>A search of the Office of Heritage and Environment Aboriginal Heritage Information Management System (AHIMS) for a 50-metre buffer around Lot 1 in DP 861697 has shown that there are no Aboriginal sites recorded in or near the subject site. It is therefore concluded by the proponent that the proposed development of the site will not impact on any items of Aboriginal cultural heritage.</p> <p>However, it is noted there were items of cultural value identified on the adjoining 210 Bushs Lane during a site inspection. Therefore, it is recommended that a report is prepared for the site in relation to Aboriginal cultural heritage. A condition has been imposed to require this report be prepared prior to community consultation.</p> <p>It is also 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 also 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 adjoins an established 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 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><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	The proposal is consistent with the Local Government Narratives in that it will assist in delivering a variety of housing options in Gunnedah.

## 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	<p>The Gunnedah Shire Local Strategic Planning Statement – Future 2040 (LSPS) was adopted by Council on 12 August 2020 following consideration at the August 2020 Ordinary Meeting. 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 proposal indicates any remnant vegetation located on the site is not expected to be of high quality.</p>
Gunnedah Community Strategy Plan 2017 to 2027	The proposal aligns with the objectives of the Community Strategic Plan in that it will assist in providing housing diversity in Gunnedah.

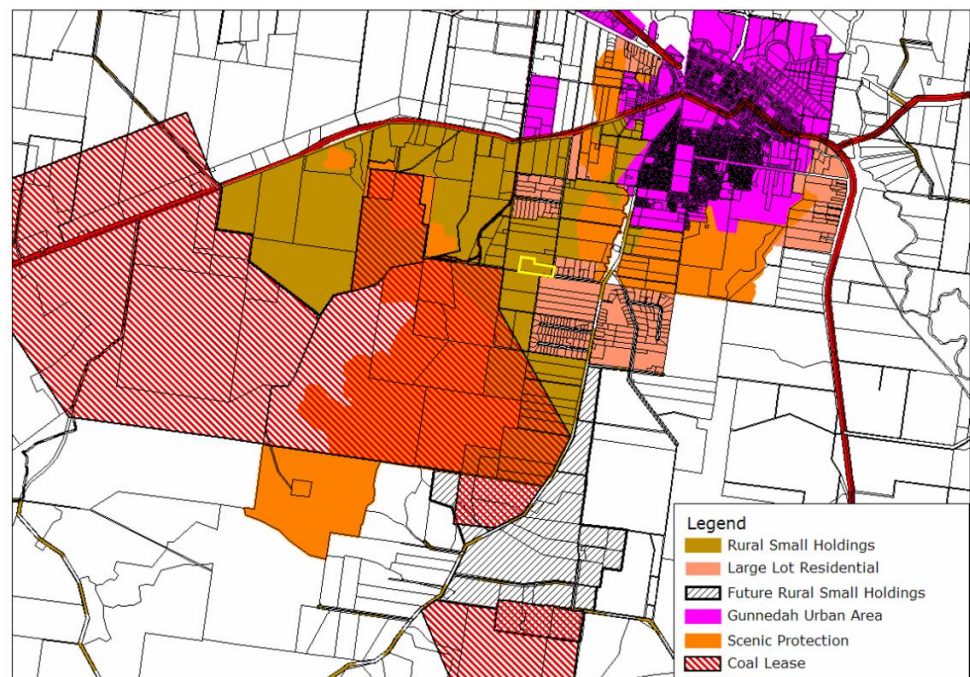


Gunnedah Rural Land Use Strategy 2007 and Gunnedah Local Environmental Study (Bridging Report) 2010

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.

The subject land is identified within the Rural Land Use Strategy as a 'rural small holding' (Figure 8). 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.

One of the conditions of the endorsement was that references be removed to utilising the RU4 Small Holdings zone for rural residential development.



Map 7.5: Rural Small Holding Designation

**Figure 8: Identified rural small holdings (source: Gunnedah Rural Land Strategy 2007)**

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:

- 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

Local Strategies	Justification
	<ul style="list-style-type: none"> <li>It will assist in delivering additional housing supply and diversity</li> </ul> <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. The proposal contains the results of a NSW Bionet Database search for threatened fauna on or around the subject site. However, no targeted searches for koalas (scat searches and spotlighting) have been undertaken. It is recommended that 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 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	No – Unresolved	<p>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.</p>
1.4 Site Specific Provisions	No – Resolved by condition of Gateway	<p>The planning proposal is inconsistent with this Direction as it contains drawings that show detail of the proposed development.</p> <p>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.</p>

3.1 Conservation Zones	No – Unresolved	<p>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).</p> <p>Consistency with this Direction will remain unresolved until consultation with BCD occurs.</p>
3.2 Heritage Conservation	No – Unresolved	<p>The planning proposal states that there are no items of cultural heritage significance on the subject site or in the vicinity listed under the Gunnedah LEP 2012 and there are no objects or places of Aboriginal heritage identified in the AHIMS searches carried out for the subject site.</p> <p>As there were items of cultural value identified on the adjoining 210 Bushs Lane following a site inspection, it is recommended that a report is prepared in relation to Aboriginal cultural heritage and consultation is carried out with Red Chief Local Aboriginal Land Council (LALC) to confirm the suitability of the proposal.</p> <p>This Direction will remain unresolved until a report has been prepared and consultation has been undertaken.</p>
4.4 Remediation of Contaminated Land	No – Unresolved	<p>The planning proposal concluded that the land has only been used for horse grazing and lifestyle uses and intensive agricultural pursuits have not been carried out at the site.</p> <p>The proposal was accompanied by a declaration from the landowner in relation to the previous land uses at the site. No contamination investigation has been carried out for the subject site.</p> <p>To achieve consistency with this Direction, a preliminary contamination assessment report is to be undertaken for the site and the recommendations of the assessment are to be included in the planning proposal prior to public exhibition. This requirement forms part of the Gateway determination.</p> <p>The inconsistency with the Direction will remain unresolved until a contamination assessment has been completed for the current subject site and the relevant findings updated in the planning proposal prior to community consultation.</p>

8.1 Mining, Petroleum Production and Extractive Industries	No – Unresolved	<p>This Direction applies as 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>The proposal indicates there are no mining leases present on the site according to Min View mapping.</p> <p>It is recommended that consultation is undertaken with the Mining, Exploration and Geoscience Division of the Department of Regional NSW (GCNSW) 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 Land	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)

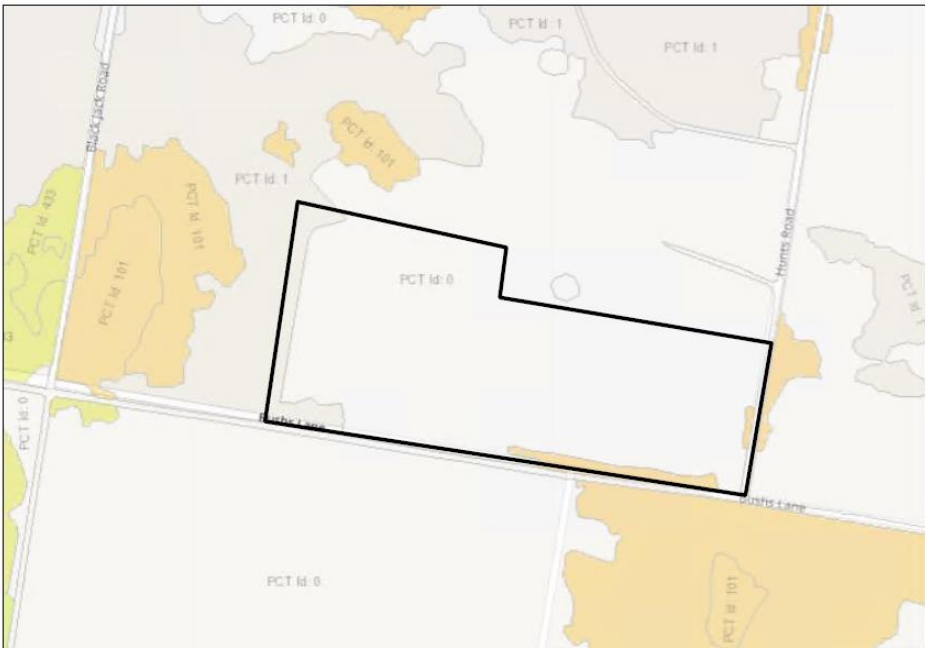
The planning proposal is considered consistent with all relevant SEPPs. However the proposal refers to repealed SEPPs and will need to be updated to refer to the new consolidated SEPPs prior to community consultation.

## 4 Site-specific assessment

### 4.1 Environmental

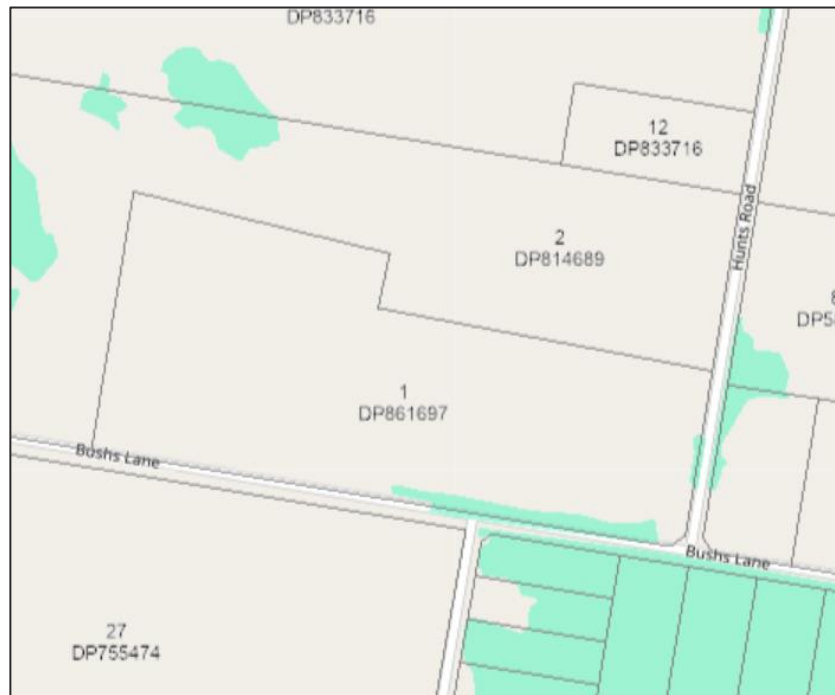
The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Flora and fauna	<p>The proposal states that the subject site has a long agricultural history, with recent uses including cultivation for pasture/hay crop and horse grazing. There are a number of native trees on the subject site, which were planted in the 1980s.</p> <p>The majority of the site is mapped as PCT 0 which is non-native vegetation. There is a small area of PCT 101 <i>Poplar Box – Yellow Box – Western Grey Box grassy woodland on cracking clay soils mainly in the Liverpool Plains, Brigalow Belt South Bioregion</i> along Bushes Lane and a small area of PCT 1 Native Grasslands along bushes lane at the western boundary of the site (<b>Figure 9</b>):</p>  <p>Figure 22: Vegetation Mapping (Seed Portal)</p> <p><b>Figure 9: Vegetation Mapping (source: Planning Proposal)</b></p>



The subject site is also mapped as containing areas of potential High Environmental Value (HEV) under the New England North West Regional Plan, which generally corresponds to the PCT 101 mapping (**Figure 10**):



**Figure 10: HEV mapping (source: Northern Region Map Viewer)**

PCT 101 is associated with the following threatened ecological communities (TECs) under the Biodiversity Conservation Act 2016 as listed below:

- Brigalow within the Brigalow Belt South, Nandewar and Darling Riverine Plains Bioregions (Part) – Endangered
- Inland Grey Box Woodland in the Riverina, NSW South Western Slopes, Cobar Peneplain, Nandewar and Brigalow Belt South Bioregions (Part) – Endangered
- White Box Yellow Box Blakely's Red Gum Woodland – Critically Endangered

As this remnant vegetation in PCT 101 is limited to the very front section of the holdings along Bushs Lane on the fringe of this patch of vegetation, separated by the bitumen road, the proposal states this vegetation patch is not expected to be of high quality. It was also noted that the dwelling setback in the R5 Large Lot Residential Zone is 25 metres, which extends beyond this vegetation. However, access driveways will pass through this vegetation and it is therefore unclear at this stage as to the vegetation to be removed.

A NSW Bionet Database search confirmed no sightings of threatened fauna on the subject site. The proposal concludes that the site is not considered to have a significant impact on any critical habitat or threatened species, populations or ecological communities.

The proposal has indicated that biodiversity will be considered through the development application process with the preparation of a BDAR. However, it is recommended consultation is carried out with the NSW Biodiversity Conservation Division (BCD) to confirm the suitability of the proposal. This requirement forms part of the Gateway approval.

Contamination	As discussed previously, a preliminary contamination assessment report is to be undertaken for the site and the recommendations of the assessment are to be included in the planning proposal prior to public exhibition. This requirement forms part of the Gateway determination.
Land use conflict	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 a single residence and horse grazing. 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 NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the proposal.
Aboriginal cultural heritage	The proposal states that there are no objects or places of Aboriginal heritage identified in the AHIMS searches carried out for the subject site.  However, it is recommended that a report is prepared in relation to Aboriginal cultural heritage and consultation is carried out with Red Chief Local Aboriginal Land Council (LALC) and Heritage NSW to confirm the suitability of the proposal. This forms part of the Gateway approval.
Visual impact	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.

## 4.2 Social and economic

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

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>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.</p> <p>The Department's implied dwelling projections estimate 584 additional dwellings will be required to accommodate population growth to 2041.</p>
Economic	No negative economic effects are anticipated from the intended outcomes of the proposal..

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 a single residence and horse grazing. 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 NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the proposal.</p>
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## 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 11 Infrastructure assessment**

Infrastructure	Assessment
Local	<p><i>Vehicular access</i></p> <p>The conceptual subdivision layout includes a new cul-de-sac road off Bushs Lane to service the proposed allotments.</p> <p><i>Traffic</i></p> <p>The public road network surrounding the site includes bitumen seal to Hunts Road for the full extent of the development and to part of Bushs Lane extending from the intersection of Hunts Road to the intersection of Robert Gordon Drive. A subsequent development application and consent will require the developer to provide a bitumen sealed road in accordance with Gunnedah Shire 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>The subject site is located in a reticulated water supply area with a main extending from Bushes Lane along Hunts Road to Reading Road. This servicing will be extended within the road reserve along Bushs Lane at the cost of the proponent. The proponent has consulted with Gunnedah Shire Council confirming that the existing water service has the capacity to service the proposed development. However, the proposal does not detail that an upgrade to the pumping capacity at Links Road Reservoir is required and execution of a VPA will guarantee the land will be serviced by Council's reticulated water supply. It is recommended the proposal is amended prior to community consultation to include this information</p>

Local	<p><i>Sewer servicing</i></p> <p>In accordance with the Gunnedah Development Control Plan, 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. 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. Further information and consultation is required to confirm the adequacy of the infrastructure to service the site and forms part of the Gateway conditions.</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
- Mining, Exploration and Geoscience

## 6 Timeframe

Council has not proposed a timeframe to complete the LEP.

The Department recommends a time frame of nine months to provide sufficient time to prepare the reports required by the conditions of the Gateway determination and it 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 is consistent or justifiably inconsistent with the State, regional and local planning framework and deals only with matters of local significance, it is considered appropriate that Council be 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 prior to community consultation

- a) the proposal must be updated to:
  - 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;
  - identify an upgrade to the pumping capacity at Links Road Reservoir is required and execution of a VPA will guarantee the land will be serviced by Council's reticulated water supply;
  - extend the proposed land zoning and minimum lot size to the Bushs Lane and Hunts Road, road reserves adjoining the land;
  - update the project timeframe table;
  - address consolidated State Environmental Planning Policies; and
  - respond to the recommendations of the specialist reports.
- b) prepare reports in relation to:
  - contamination; and
  - Aboriginal cultural heritage.

## 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 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.4 Remediation of Contaminated Land and 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:

a) the planning proposal is to be updated to:

- 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;
- identify an upgrade to the pumping capacity at Links Road Reservoir is required and execution of a VPA will guarantee the land will be serviced by Council's reticulated water supply;
- extend the proposed land zoning and minimum lot size to the Bushs Lane and Hunts Road, road reserves adjoining the land;
- update the project timeframe table;
- address consolidated State Environmental Planning Policies;
- address the recommendations of the reports required by condition 1b).

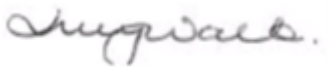
b) prepare reports in relation to:

- contamination; and
- aboriginal cultural heritage.

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
- 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 nine 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

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(Signature)

\_\_\_\_\_  
(Date)

Lucy Walker  
Manager, Local & Regional Planning  
Northern Region



23/6/2023

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(Signature)

\_\_\_\_\_  
(Date)

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