



Gateway determination report – PP-2023-2258

To amend the minimum lot size on Lot 14 DP 864066,
109-139 Kamilaroi 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
Planning Proposal – Stewart Surveys – 11 October 2023
Council Report and Resolution – Gunnedah Shire Council – 13 December 2023

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Gunnedah Shire Council
PPA	Gunnedah Shire Council
NAME	To amend the minimum lot size on Lot 14 DP 864066, 109-139 Kamilaroi Road, Gunnedah
NUMBER	PP-2023-2258
LEP TO BE AMENDED	Gunnedah Local Environmental Plan 2012
ADDRESS	109-139 Kamilaroi Road, Gunnedah
DESCRIPTION	Lot 14 DP 864066
RECEIVED	20/12/2023
FILE NO.	IRF23/3391
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 objectives of the planning proposal are 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
- To align with the recommendations of the Gunnedah Shire Local Housing Strategy adopted by Council on 21 June 2023, prepared by Elton Consulting.

The objectives of this planning proposal are clear and adequate. However, the planning proposal refers to the rezoning of land in error (pages 20, 22, 24, 34 and 35). A Gateway condition is included requiring the references to be removed prior to agency and community consultation.

1.3 Explanation of provisions

The planning proposal seeks to amend the Gunnedah LEP 2012 by amending the minimum lot size map as follows:

- Amend Lot 14 DP 864066 from Y – 1.2 hectares to 9,000m² (Figures 1 and 2).

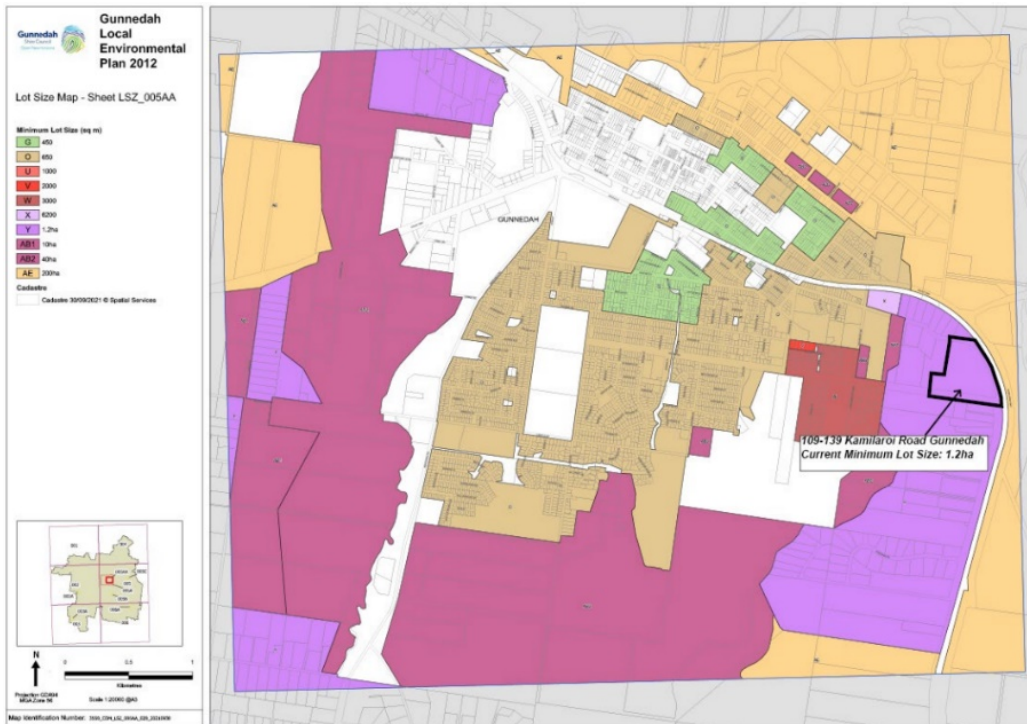


Figure 1 Current minimum lot size map

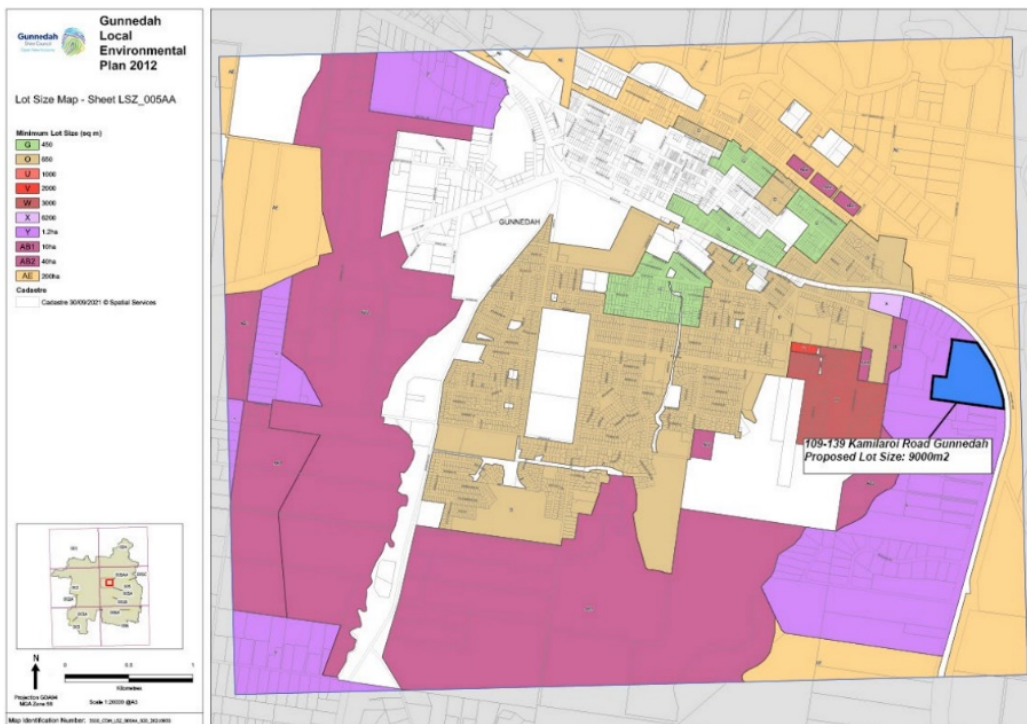


Figure 2 Proposed minimum lot size map

No other amendments are proposed to the Gunnedah LEP 2012.

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 (Figure 3) is located within the locality of Gunnedah, with a primary frontage to Kamilaroi Road and secondary frontage to an unformed section of Stock Road. The site contains a single residence and associated outbuildings and has a history of use as a hobby farm.



Figure 3 Subject site (source: Planning Proposal)

The site is irregular in shape and is approximately 13.77 hectares in area. The site is currently zoned R5 Large Lot Residential with a current minimum lot size of 1.2ha. The surrounding allotments to the north, south and west are zoned R5 Large Lot Residential with a minimum lot size of 1.2ha.

To the east of the site, on the opposite side of the railway line, allotments are zoned RU1 Primary Production with a minimum lot size of 200ha. The Gunnedah Central Business District (CBD) is located approximately 3 kilometres north-west of the site (Figure 4).



Figure 4 Site context (source: SIX Maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the lot size maps, which are suitable for community consultation (Figures 1 and 2).

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

2 Need for the planning proposal

The proposal aims to satisfy the shortage of and high demand for, large lot residential land in Gunnedah.

The proposal states that although the R5 zone product offers lifestyle choice, the 1.2ha minimum lot size is inefficient to service for Council and maintain from a resident's perspective. It was indicated that a lower minimum lot size could be investigated without loss of character or amenity. The relatively low subdivision costs associated with creating these lots as well as the availability of municipal water supply resulted in this typology being preferred by some proponents.

The proposal also indicates that the proposed reduction in minimum lot size to 9,000m² is in recognition of increased reporting and infrastructure requirements for lot sizes 1 hectare or greater,

including the koala habitat protection requirements in State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) and a 20,000 litre water storage requirement under the Rural Fires Act 1997. Lots less than 1 hectare do not trigger the SEPP and only require 10,000 litres of water dedicated to bushfire protection, resulting in lower servicing costs.

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.

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 more efficient use of available land, provide a greater supply of rural residential lots to the market and more efficiency in the provision of services. Existing water infrastructure can be extended by the developer to service the subject site and on-site systems are proposed for sewage management.</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 already zoned R5 and is not identified as Biophysical Strategic Agricultural Land (BSAL). However, given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues. The potential for land use conflict with the agricultural land to the east of the site has not been fully addressed.</p> <p>It is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the planning proposal. The requirement for consultation forms part of the conditions of the Gateway determination.</p>
Part 3 Sustainable and resilient	<p><i>Objective 11: Sustainably manage and conserve water resources</i></p> <p>Council engineers have confirmed if the minimum lot size for the subject site was changed to 9,000m², either Gallens Reservoir or Apex Reservoir will have the ability and capacity to service the additional lots that may be created through a future subdivision Development Application.</p> <p><i>Objective 12: Protect regional biodiversity and areas of High Environmental Value (HEV)</i></p> <p>The subject site is not mapped as containing potential HEV land and the proposal is therefore not inconsistent with this objective.</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 consistent with this objective as it will allow additional lots to be created in a well located area within the Shire. The proposal states that a</p>

	<p>reduced minimum lot size will result in lower development costs per lot.</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 could assist in providing 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 that an AHIMS search was carried out and no Aboriginal sites or places were identified. The land is already zoned for large lot residential purposes and the reduction in minimum lot size is not considered to result in additional adverse impacts on Aboriginal cultural heritage. However, it is recommended consultation is carried out with Red Chief Local Aboriginal Land Council to confirm the suitability of the proposal. A condition is included on the Gateway determination in this regard.</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. The reduction in minimum lot size to 9,000m² is not anticipated to result in any additional impacts on local character.</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. Existing water infrastructure can be extended by the developer to service the subject site and on-site systems are proposed for sewage management. Council engineers have confirmed if the minimum lot size for the subject site was changed to 9,000m², either Gallens Reservoir or Apex Reservoir will have the ability and capacity to service the additional lots that may be created through a future subdivision Development Application.</p> <p><i>Objective 21: Improve active and public transport networks</i></p> <p>The proposal states that the subject land is zoned R5 Large Lot Residential and is therefore not considered to be urban land. The proposal involves the reduction in minimum lot size only, with no change to the zoning of the land. In this regard, the proposal is not inconsistent with this objective.</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 6 Local strategic planning assessment

Local Strategies	Justification
Gunnedah Shire Local Strategic Planning Statement –	<p>The planning proposal does not address consistency with Gunnedah Local Strategic Planning Statement (LSPS) Future 2040. A condition is recommended to update the proposal to address the LSPS.</p> <p>Action 24 in the LSPS is to develop a housing strategy that identifies and priorities</p>

Future 2040 (LSPS)	areas for growth with regard to housing demand that avoids important agricultural lands. It is considered that this planning proposal which is a result of the draft Gunnedah Local Housing Strategy is consistent with Gunnedah LSPS.
Draft Gunnedah Shire Local Housing Strategy 2023	The draft Local Housing Strategy includes opportunities for large lot residential land, including the need to review the minimum lot size of 1.2 hectares to encourage efficiencies in servicing while also achieving on site effluent disposal and amenity. The Strategy also references a general support for a reduction in minimum lot sizes to encourage housing diversity. The proposal is not inconsistent with the Strategy, however there are no actions or recommendations specific to the subject land. At the time of writing this report, the strategy has been updated to reflect the Northern team's comments and the final strategy is to be presented to Gunnedah Council in the coming months for adoption before endorsement by DPHI.

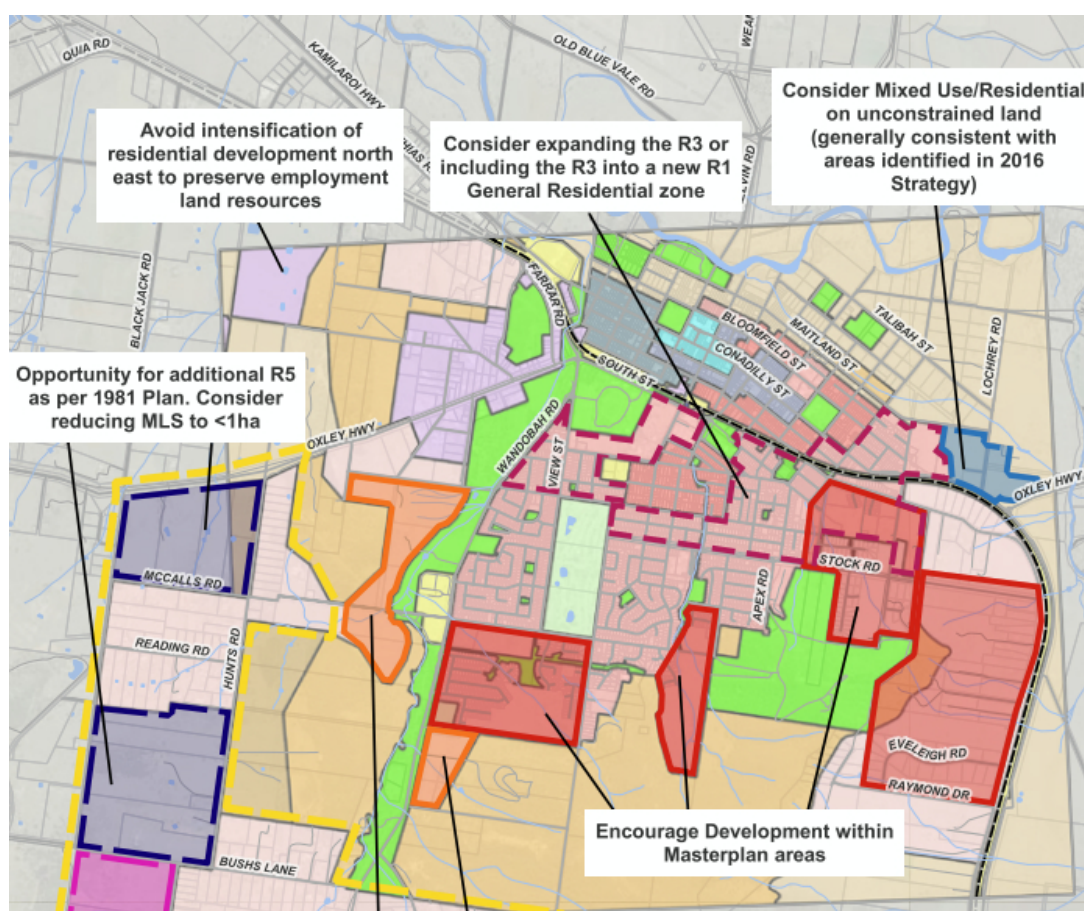
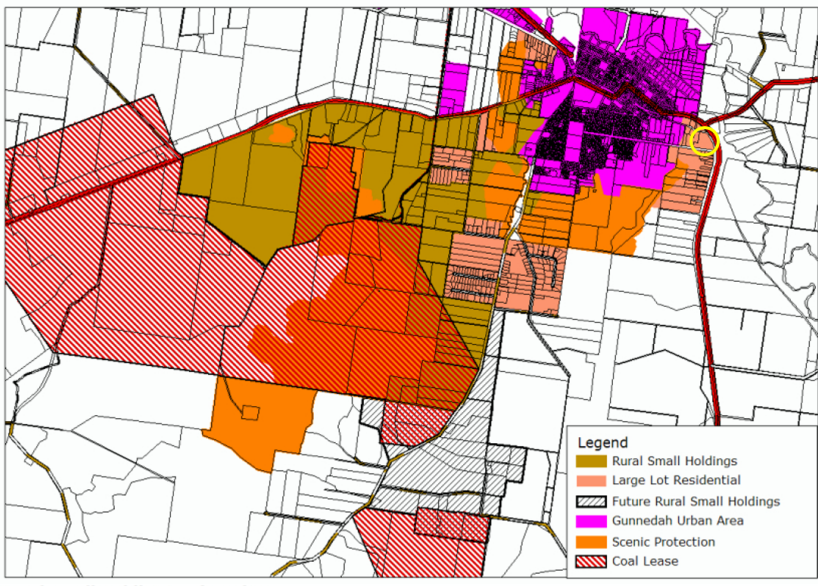


Figure 1 draft Gunnedah Local Housing Strategy

Gunnedah	The proposal aligns with the objectives of the CSP in that it will assist in providing
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Community Strategy Plan 2017 to 2027 (CSP)	housing diversity in Gunnedah.
Gunnedah Rural Strategy 2007 and Gunnedah Local Environmental Study (Bridging Report) 2010	<p>The Gunnedah Rural 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 and is the current Department endorsed local strategy.</p> <p>The subject land is identified within the Rural Strategy as 'large lot residential' (Figure 6). The proposal is not inconsistent with the Strategy as it does not seek to change the existing R5 Large Lot Residential zoning of the land.</p> <p>Gunnedah Shire Rural Strategy</p>  <p>Map 7.5: Rural Small Holding Designation</p> <p>EDGE Land Planning March 2007</p> <p>113</p> <p>Figure 6 Extract from Gunnedah Shire Rural Strategy (source: Gunnedah Shire Rural Strategy)</p> <p>Specific land use recommendations included that no further rural residential land should be released on the fringe, noting there was sufficient supply (at the time the report was prepared). The proposal is consistent with this recommendation as no change is proposed to the current R5 zoning of the land.</p> <p>The report also states that additional rural residential development can be provided where appropriate services are existing, in-filling areas adjoining existing rural residential development.</p> <p>For rural residential land zoned 1(c) at the time of the report (now zoned R5 Large Lot Residential) a minimum lot size of 0.6 hectares with an average lot size of 1.2 hectares across a development was recommended. The proposal to amend the minimum lot size to 9,000m² therefore aligns with the intent of the Bridging Report.</p>
Gunnedah Koala Strategy 2015	The subject land is located within the study area but is not identified as containing koala habitat (Figure 7):

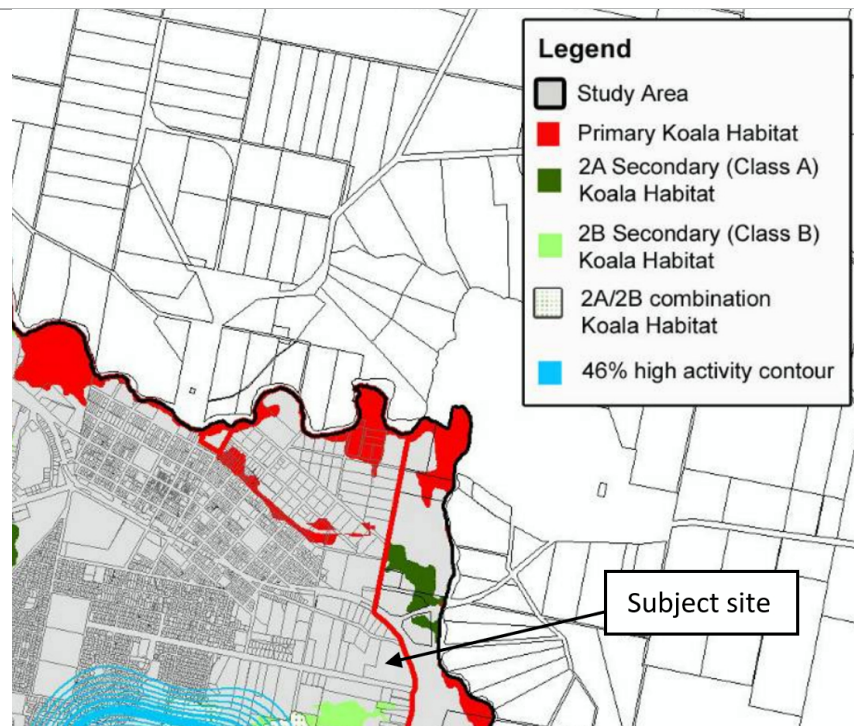


Figure 7 Extract from Gunnedah Koala Strategy (source: Gunnedah Koala Strategy)

The proposal indicates there have been 10 historical koala sightings around the subject site. The most recent sighting was in 2021, 1.3 kilometres from the site at Porcupine Lookout.

The proposal is not inconsistent with the Strategy as it does not seek to change the existing R5 Large Lot Residential zoning of the land. Potential impacts on koala habitat will be further addressed at the development application stage.

3.3Section 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
3.2 Heritage Conservation	Justifiably inconsistent	Although an AHIMS search has been carried out, the proposal is inconsistent with this Direction as it does not contain provisions that facilitate the conservation of Aboriginal cultural heritage. However, given the proposal seeks to reduce the minimum lot size only and Aboriginal cultural heritage will be suitably addressed at the development application stage, the inconsistency is of minor significance. However, it is recommended consultation occurs with Red Chief Local Aboriginal Land Council to confirm the suitability of the proposal. A condition is included on the Gateway determination in this regard.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

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 subject land is not mapped as containing Biodiversity Values (BV). The proposal states that the site is mapped as PCT 0 which is non-native vegetation.</p> <p>A NSW BioNet Database search was carried out for threatened fauna on or around the subject site. There were no sightings of any of these species recorded on the subject site.</p> <p>The proposal indicates there have been 10 historical koala sightings around the subject site. The most recent of these sightings were in 2021, 1.3 kilometres from the site at Porcupine Lookout. Since this time, koala populations in Gunnedah have experienced severe decline. The proposal states that as part of the development application process, a SEPP (Biodiversity Conservation) 2021 Assessment will be carried out.</p> <p>Based on searches carried out in the preparation of the planning proposal, the site is not considered to have a significant impact on any critical habitat or threatened species, populations or ecological communities. Further detailed investigations will be undertaken during the development application stage.</p>
Contamination	<p>A search of the List of NSW Contaminated Sites Notified to the NSW OEH as at 21 September 2023 in the Gunnedah Shire did not uncover any listings on or in close proximity to the site.</p> <p>Agricultural activities are listed as an activity which may cause contamination. The landowner has prepared a declaration confirming the land has only been used for grazing and lifestyle uses and intensive agricultural pursuits have not been carried out at the site. Therefore, there are no known sources or risks of contamination identified on the subject site.</p> <p>Given the proposal does not include a change in zoning and only relates to a reduction in the minimum lot size, a Preliminary Site Investigation is not required. Potential contamination will be addressed as part of any future development application lodged.</p>
Land use conflict	<p>The subject land is already zoned R5 and is not identified as Biophysical Strategic Agricultural Land (BSAL). However, given the proposal will increase the number of allotments (and subsequently dwellings), this has the potential to increase land use conflict issues. The potential for land use conflict with the agricultural land to the east of the site has not been fully addressed.</p>

It is recommended consultation be undertaken with the NSW Department of Primary Industries (DPI) – Agriculture to confirm the suitability of the planning proposal. The requirement for consultation forms part of the conditions of the Gateway determination.

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	The proposal indicates it will result a 25% increase in rural residential lots. It is considered the proposal would result in positive social impacts in contributing to a range of housing options in Gunnedah. Given the site is 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 11 Infrastructure assessment

Infrastructure	Assessment
Local	<p><i>Vehicular access</i></p> <p>The site has access to Kamilaroi Road, which has been deemed acceptable by Council.</p> <p><i>Traffic</i></p> <p>The proposal states that the reduction in minimum lot size will result in the potential 25% additional residential allotments, however no further details are provided regarding traffic generation. A Gateway condition is recommended for the proposal to be amended to confirm the number of allotments and provide further discussion of anticipated traffic generation resulting from the proposal. It is recommended consultation is undertaken with Transport for NSW (TfNSW) to confirm the suitability of the proposal.</p> <p><i>Water supply</i></p> <p>The planning proposal states that Gallens Reservoir or Apex Reservoir will have the ability and capacity to service the additional lots that may be created through a future subdivision Development Application.</p> <p><i>Sewage management</i></p>

	<p>The development will include on-site sewage management in accordance with the Gunnedah Development Control Plan (DCP).</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>
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 as a result of this proposal.</p>

5 Consultation

5.1 Community

The planning proposal states that the proposal is considered to be a low impact proposal. However, the project timeline identifies a public exhibition period of 22 working days.

The proposal is not considered to align with the criteria for a basic planning proposal specified by the Local Environmental Plan Making Guidelines (August 2023). A community consultation period of a minimum of 20 working days is considered appropriate for a standard planning proposal, and this requirement forms part of the conditions of the Gateway determination.

It is recommended the project timeline is updated to reflect the current LEP Making Guidelines (August 2023) and appropriate planning proposal category.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

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

- Red Chief Local Aboriginal Land Council
- Transport for NSW
- NSW Department of Primary Industries – Agriculture

6 Timeframe

Council proposes a six month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard proposal.

The Department recommends an LEP completion date of six months in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

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

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark

timeframes.

7 Local plan-making authority

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

The amendment to the minimum lot size site is primarily justified at a strategic level by its inclusion in the draft Gunnedah Local Housing Strategy. As the draft strategy has not been adopted or forwarded to the Department for final approval 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:

- the proposal will assist in delivering additional housing supply in Gunnedah
- the proposal makes more efficient use of existing R5 zoned land
- the proposal is not inconsistent with the draft Local Housing Strategy
- the site is not affected by natural hazards such as flooding or bushfire risk
- the proposal is not expected to result in any adverse, social, economic or environmental impacts.

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

- Remove reference to the proposed rezoning of the land;
- Confirm the estimated increase in the number of lots following the reduction in minimum lot size;
- Include further discussion of the infrastructure requirements resulting from the proposed development, including traffic generation;
- Correct the references to the Gunnedah Local Environmental Plan 2018 on page 10 of the report;
- Amend the reference to planning proposal type from 'low impact' to 'standard';
- Address consistency with the Gunnedah Local Strategic Planning Statement; and
- Update the project timeframe table to reflect the current LEP Making Guideline (August 2023).

9 Recommendation

It is recommended the delegate of the Secretary:

- **Agree** that any inconsistency with section 9.1 Directions 3.2 Heritage Conservation is minor or justified.

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:

- Remove reference to the proposed rezoning of the land;
- Confirm the estimated increase in the number of lots following the reduction in minimum lot size;
- Include further discussion of the infrastructure requirements resulting from the proposed

development, including traffic generation;

- Correct the references to the Gunnedah Local Environmental Plan 2018 on page 10 of the report;
- Amend the reference to planning proposal type from 'low impact' to 'standard';
- Address consistency with the Gunnedah Local Strategic Planning Statement; and
- Update the project timeframe table to reflect the current LEP Making Guideline (August 2023).

2. Consultation is required with the following public authorities:

- Red Chief Local Aboriginal Land Council
- Transport for NSW
- NSW Department of Primary Industries – Agriculture

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

4. Given the nature of the planning proposal, it is recommended that the Gateway does not authorise council to be the local plan-making authority.

5. The LEP is to be completed within six months of the date of the Gateway determination.



01.02.2024

(Signature)

(Date)

Lucy Walker

Manager, Local & Regional Planning, Northern Region



(Signature)

14 February 2024 (Date)

Jeremy Gray

Director, Northern Region

Assessment officer

Georgia Weallans

Planning Officer, Northern Region

5778 1413