



IRF24/136

Gateway determination report – PP-2023-635

671 Wandobah Road, Gunnedah

January 24

Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-635

Subtitle: 671 Wandobah Road, Gunnedah

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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

1	Planning proposal	1
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
2	Need for the planning proposal	6
3	Strategic assessment	6
3.1	Regional Plan	6
3.2	Local	7
3.3	Section 9.1 Ministerial Directions	8
3.4	State environmental planning policies (SEPPs)	10
4	Site-specific assessment	10
4.1	Environmental	10
4.2	Social and economic	11
4.3	Infrastructure	12
5	Consultation	13
5.1	Community	13
5.2	Agencies	13
6	Timeframe	13
7	Local plan-making authority	13
8	Assessment summary	13
9	Recommendation	14

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Draft planning proposal October 2023 – 671 Wandobah Road_PP-2023-635
Council report and resolution December 2023
Planning proposal submission form
Planning proposal application form

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Gunnedah
PPA	Gunnedah Shire Council
NAME	Rezone Lot 47 DP755474 and Lot 4 DP114767, 671 Wandobah Road, Gunnedah from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size.
NUMBER	PP-2023-635
LEP TO BE AMENDED	Gunnedah Local Environmental Plan 2012
ADDRESS	671 Wandobah Road, Gunnedah
DESCRIPTION	Lot 47 DP 755474 and Lot 4 DP 114767
RECEIVED	20/12/2023
FILE NO.	IRF24/136
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; 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	RU1 Primary Production	R5 Large Lot Residential
Maximum height of the building	N/A	N/A
Floor space ratio	N/A	N/A
Minimum lot size	40ha	9000m ²
Number of dwellings	1	36
Number of jobs	N/A	N/A

The changes apply to the land use zone and minimum lot size maps of Lot 47 DP 755474 and Lot 4 DP 114767.

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 35.9 hectares, relatively flat and rectangular in shape.

The subject area adjoins R5 Large Lot Residential and RU4 Primary Production Small Lot land just south of the Gunnedah township. The site fronts Wandobah Road and Black Jack Forest Road and contains a single dwelling, rural outbuildings and 3 agricultural dams.

The site is mostly cleared of trees and consists of grassland that has been used for cattle and horse grazing. There is a thin strip of mapped potential high environmental value land identified under the NENW Regional Plan 2941 along a small section of the north-eastern boundary of the property.

The site is not mapped as bushfire or flood prone land.



Figure 1 Subject site (source: planning proposal)

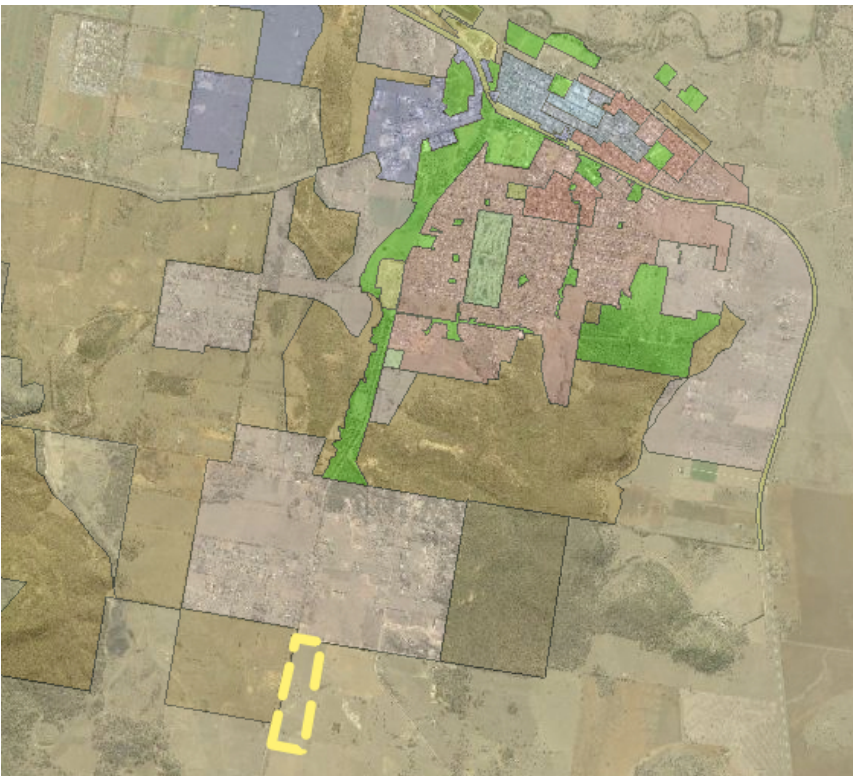


Figure 2 Site context (source: NSW Spatial Viewer)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning and lot size maps, which are suitable for community consultation.

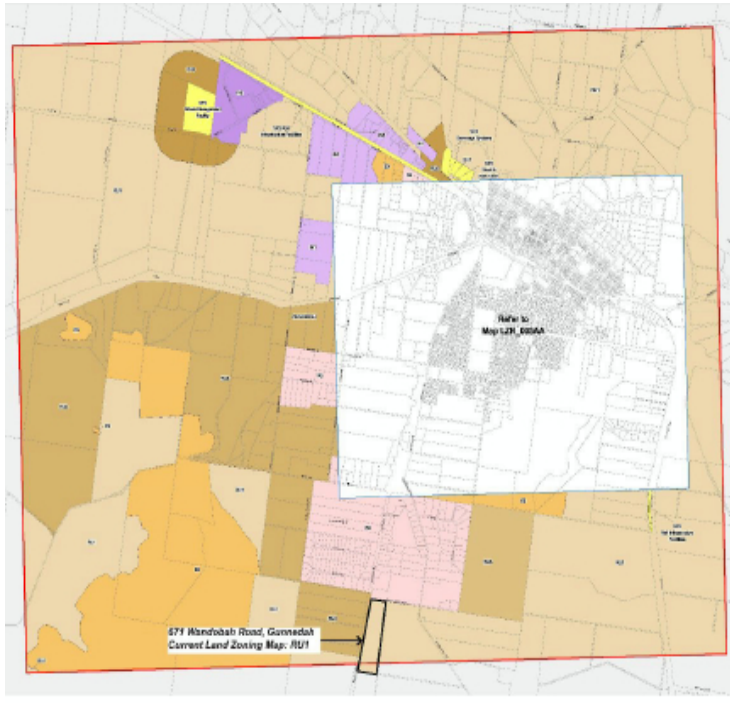


Figure 3 Current zoning map

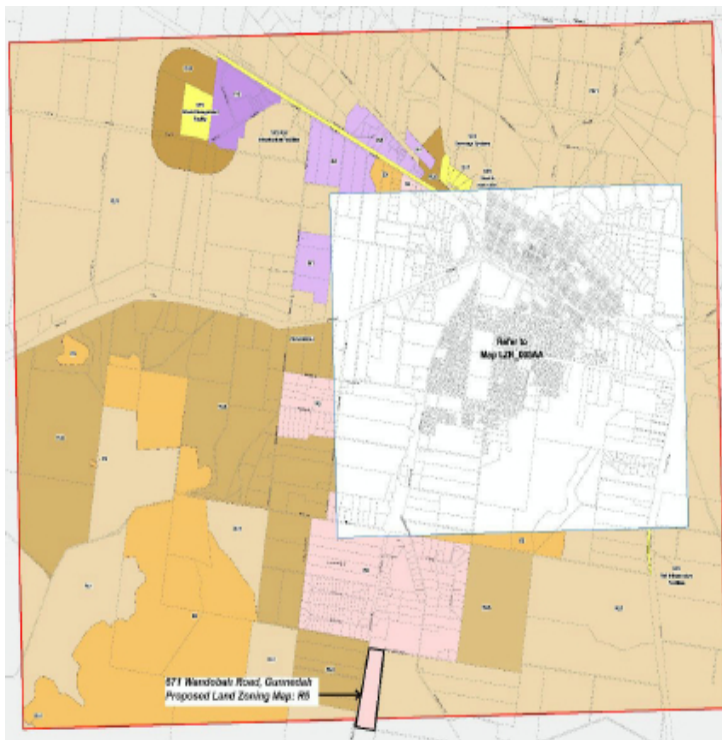


Figure 4 Proposed zoning map

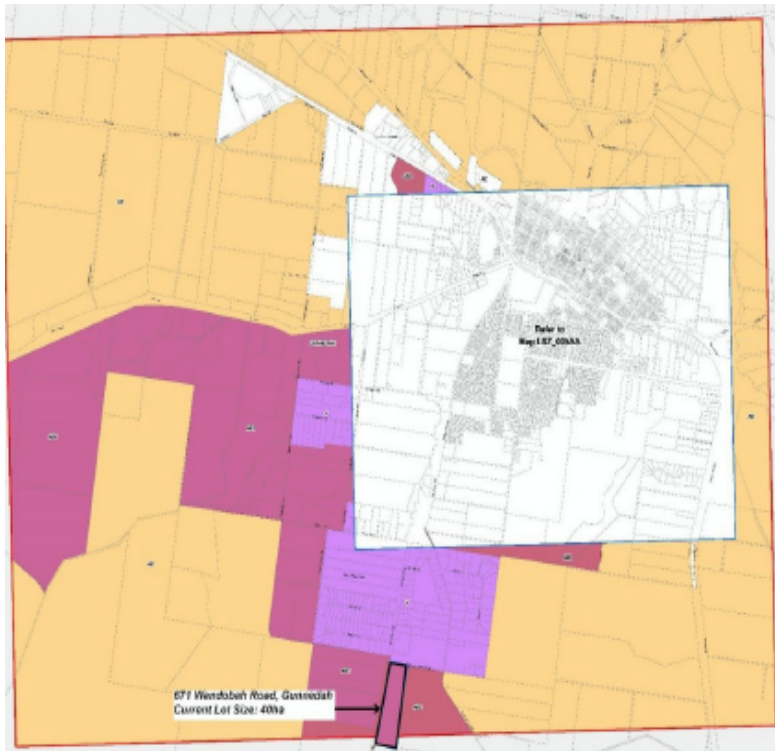


Figure 5 Current minimum lot size map

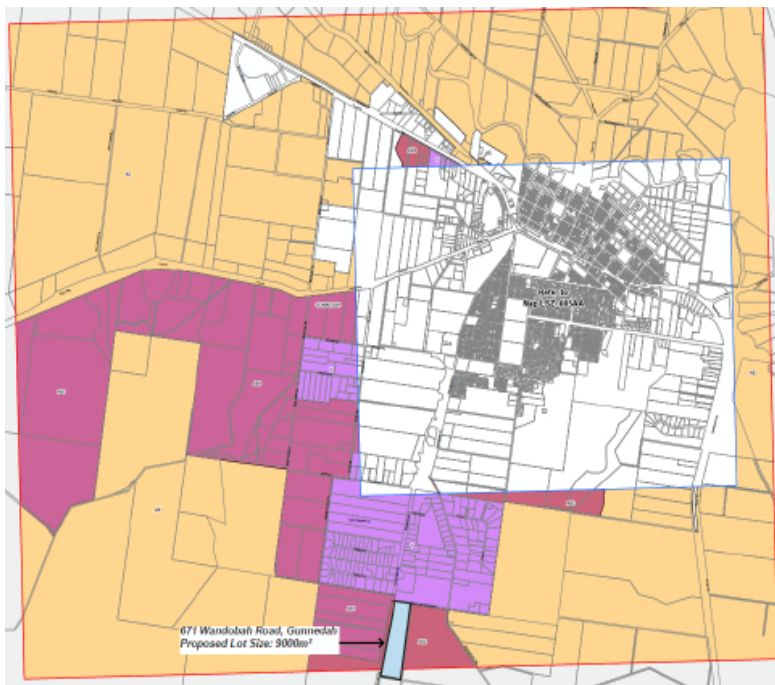


Figure 6 Proposed minimum lot size map

2 Need for the planning proposal

The proposal states that there is a shortage of available large lot residential land in Gunnedah with a high demand for this sized land holding. The proposal seeks to rezone the site from RU1 Primary Production to R5 Large Lot Residential and apply a minimum lot size of 9000m². This will allow for the potential of 36 additional residential holdings in an area of Gunnedah that has been identified for large lot residential development under Council's current draft local housing strategy.

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 Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
1: Coordinate land use planning for future growth, community need and regional economic development	The planning proposal is a result of coordinated and strategic land use planning, specifically the draft Gunnedah Local Housing Strategy which identifies suitable land for planned growth.
2: Protect the viability and integrity of rural land	The site is not mapped as significant farmland and is not likely large enough to sustain a profitable agricultural business. The site has been identified for rural residential housing in council strategic planning documents as has the surrounding land which will reduce the likelihood of land use conflicts.
8: Adapt to climate change and natural hazards and increase climate resilience	The site will provide residential housing in an area that is not mapped as being constrained by flood or bushfire hazard and is in close proximity to the Gunnedah township.
13: Provide well located housing options to meet demand	The proposal is inconsistent with this objective of the NENWRP 2041 as the land is not identified for large lot residential purposes in a Department approved local strategy. The site is however identified within the draft Gunnedah Local Housing Strategy that was exhibited in 2023 for R5 Large Lot Residential purposes with a minimum lot size less than 1 hectare. The draft strategy has been reviewed by the Department and comments have been provided to Council. No concerns were raised by the Department in relation to the proposed R5 Large Lot Residential land in this area. It is also understood that that Council will adopt the final strategy in March 2024 and forward to the Department for approval. Once approved, the proposal will become consistent with this component of the Regional Plan. On this basis, it is considered satisfactory that the proposal proceeds for agency and community consultation and that consistency with the NENWRP remain unresolved at the Gateway stage.

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
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 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 Gunnedah Local Housing Strategy is consistent with Gunnedah LSPS.</p>
Draft Gunnedah Shire Local Housing Strategy 2023	<p>The site is identified within the draft Gunnedah Shire Local Housing Strategy 2023. This strategy was prepared in June 2023 and has been through a preliminary review by the Northern Region team. No changes were recommended for this site. 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.</p>

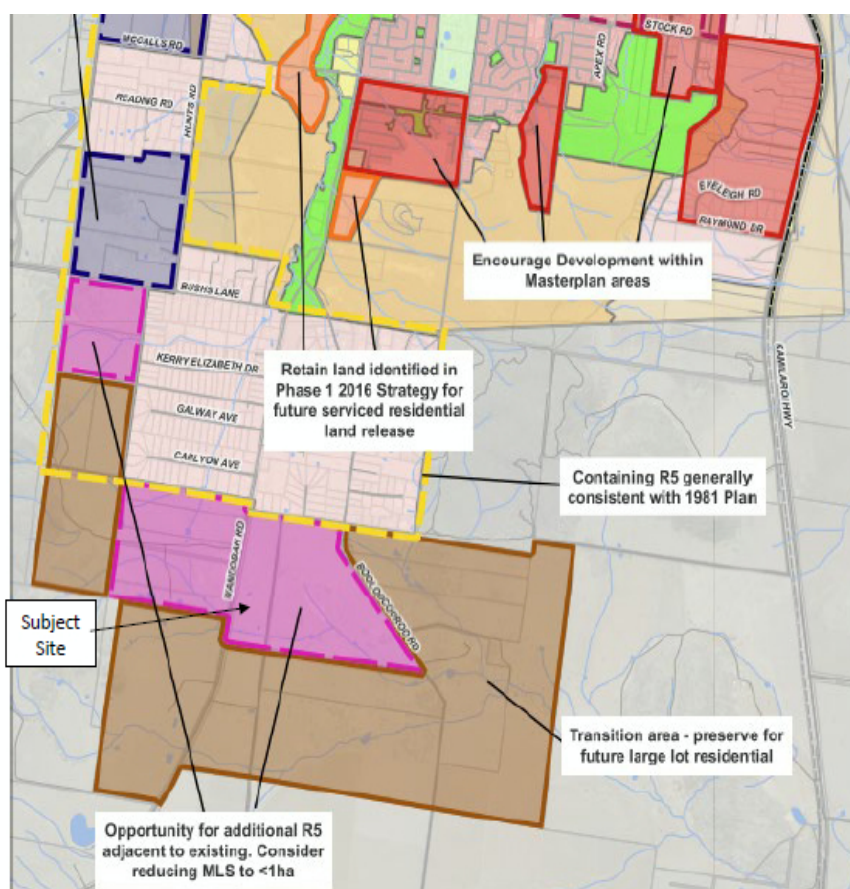


Figure 7: draft Gunnedah Shire Local Housing Strategy 2023

Gunnedah Shire Local Environmental Study 2010 (Bridging Report)	<p>The Bridging Report is the current Department endorsed local strategy.</p> <p>The proposal addresses consistency with the bridging report. The report was the primary document utilised in the preparation of Gunnedah LEP 2012. The site was recommended as a rural zone with a 40ha minimum lot size which was actioned in the Gunnedah LEP 2012. The proposal is therefore not consistent with the bridging report. This inconsistency is justified because:</p> <ul style="list-style-type: none"> • Land identified as future urban in the bridging report has largely been taken up. • The size of the parcel is not likely to support full time agricultural pursuits. • The location represents a logical expansion of existing rural residential land. • The site 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 current and future adjoining land uses. • The Bridging Report is soon to be replaced by the Gunnedah Local Housing Strategy.
---	--

3.3Section 9.1 Ministerial Directions

The planning proposal is considered consistent will all relevant section 9.1 Directions with the exception of the Directions discussed below.

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Unresolved	<p>The proposal is inconsistent with this direction as the proposed rural residential land is not identified in a Department approved local strategy.</p> <p>The Draft Gunnedah Local Housing Strategy which identifies the land for future rural residential purposes has not yet been submitted to the Department for approval. It is understood that that Council will adopt the final strategy in March 2024 and then forward to the Department for approval. Once approved, the proposal will become consistent with the Regional Plan. On this basis, it is considered satisfactory that the proposal proceeds for agency and community consultation, and that consistency with the NENWRP remain unresolved at the Gateway stage.</p>
3.1 Conservation Zones	Justified	<p>The proposal is inconsistent with this direction as there is a small section of potential high environmental value land mapped along the north-east boundary and no mechanisms to protect this area are proposed. This inconsistency is considered to be of minor significance due to its small size and location along the boundary. This should help ensure that any future development can be designed to avoid any adverse impact.</p>

		Consultation with Biodiversity Conservation Division (BCD) is also recommended.
5.1 Integrating Land Use & Transport	Justified	The proposal is inconsistent with this direction as it will facilitate residential land on the edge of Gunnedah which will be predominately serviced by private vehicles. The proposal presents a logical expansion of existing large lot residential land and will allow for a growing population to support the Gunnedah town centre. The inconsistency with this direction is therefore considered of minor significance and justified.
6.1 Residential Zones	Justified	The proposal is inconsistent with the direction as rural residential land does not reduce the consumption of land on the urban fringe or maximise the efficient use of infrastructure. The inconsistency is considered to be of minor significance as the land is identified in Council's draft housing strategy, is a logical expansion of an existing large lot residential land that will support a growing population and provides a housing type that remains in high demand.
8.1 Mining, Petroleum Production and Extractive Industries	Unresolved	<p>This proposal is inconsistent with this direction as the rezoning to R5 Large Lot Residential will have the effect of prohibiting mining and extractive industries.</p> <p>Consultation with the Mining, Exploration and Geoscience Division of the Department of Regional NSW is required before consistency with this direction can be determined.</p>
9.1 Rural Zones	Justified	The proposal is inconsistent with this direction as it seeks to rezone land from a rural zone to a residential zone. The inconsistency is considered to be of minor significance as the site adjoins existing rural residential development and has been identified the draft Gunnedah Local Housing Strategy for future rural residential purposes.
9.2 Rural Land	Justified	The proposal is inconsistent with this direction as it will affect land within an existing rural zone and does not satisfy all the required principles of the direction such as supporting the right to farm. This inconsistency is considered to be of minor significance as the land adjoins existing rural residential development and is identified in Council's draft local housing strategy. Consultation with Department of Primary Industries (Agriculture) is recommended.

3.4 State environmental planning policies (SEPPs)


The planning proposal is considered 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 7 Environmental impact assessment

Environmental Impact	Assessment
Bushfire	The site is not identified or mapped as bushfire prone land.
Flooding	The site is not identified or mapped as flood prone land
Environmental	<p>The site has a small, isolated section of mapped potential high environmental value land. The proposal notes this area is identified on the NSW SEED portal as PCT 101 Poplar Box – Yellow Box – Western Grey Box grassy woodland on cracking clay soils mainly in Liverpool Plains, Brigalow Belt South Bioregion. PCT 101 is associated with three threatened ecological communities. It is stated that this vegetation is mostly in the road reserve and the 9000m² lot size will allow the vegetation to be retained during subdivision and dwelling construction.</p> <p>No adverse environmental impact from the proposal is anticipated and noting that further assessment will be undertaken at the development application stage. Consultation with BCD is recommended.</p>  <p>Figure 8 HEV vegetation mapping (source: DPHI Webmap)</p>
Contaminated land	The planning proposal is accompanied by a preliminary investigation of contamination statement signed by the landowner confirming that no listed contamination activities have occurred on the site. This is considered satisfactory and further investigation can be undertaken at the DA stage if considered necessary.

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
Housing	The proposal will allow for the development of up to 36 new rural residential lots close to the Gunnedah township. This provides additional housing supply on unconstrained land. It is considered the proposal will have a positive social and economic impact to the Gunnedah region.
Heritage and Culture	<p>The site does not contain or adjoin any items of heritage significance as mapped within Gunnedah LEP 2012.</p> <p>An AHIMS search inclusive of a 50m buffer was conducted for the site and indicates no records of Aboriginal sites or places. Consultation with the local aboriginal land council is recommended to confirm the proposal will not adversely impact on aboriginal heritage.</p> <p>The proposal is not expected to have a significant adverse impact on cultural or heritage values. Consultation with the Local Aboriginal Land Council is however recommended to confirm the suitability of the proposal.</p>
Land use conflict	<p>The site is bound by R5 Large Lot Residential zoned land to the north, RU1 Primary Production to the east and south and RU4 Primary Production Small Lots to the west. Land surrounding the site is identified in the draft Gunnedah Local Housing Strategy for additional R5 land and as a transitional area to preserve for future large lot residential. Satellite imagery indicates that no intensive agriculture uses are directly adjoining the site. The proposal states it does not expect the rezoning to result in any land use conflicts.</p> <p>A mining lease is located to the west of the site. Although the proposal is not within the mining lease or mine subsidence district no assessment of potential conflicts of this mining lease has been provided. Consultation with Mining, Exploration and Geoscience is recommended.</p>

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
Water servicing	Reticulated water supply is currently available along Black Jack Forest Road and can be expanded to connect to the subject site. The proposal states that the developer and Council have confirmed that water services can be provided to accommodate this rezoning subject to minor capacity upgrades. The landowner is willing to enter into a Voluntary Planning Agreement (VPA) to finance these

	upgrades. Although a VPA has not yet been prepared, this would allow the development to be serviced at no cost to the Gunnedah community.
Sewer servicing	The resulting land parcels are to be serviced by OSMS at the housing development application stage in accordance with Gunnedah DCP. A 9000m ² minimum lot size will provide sufficient land area to service the dwellings.
Vehicular access	The site is currently accessed by Wandobah Road which is a sealed road leading to the Gunnedah township that can cater for the anticipated 36 additional dwellings. Due to the relatively small scale of the future subdivision, no significant adverse impacts are considered likely.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

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 days to comment:

- Biodiversity and Conservation Division
- Mining, Exploration and Geoscience
- NSW Department of Primary Industries – Agriculture
- Red Chief Local Aboriginal Land Council

6 Timeframe

Council has requested a 9-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.

A time frame of nine months is considered sufficient time to complete the proposal.

7 Local plan-making authority

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

The rezoning of the 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 site is identified within the draft Gunnedah Local Housing Strategy;
- the location represents a logical expansion of existing rural residential land; and
- the site is not affected by natural hazards such as flooding or bushfire risk.

Based on the assessment outlined in this report, prior to community consultation the proposal is to be updated to:

- include assessment of the proposal against Gunnedah Local Strategic Planning Statement.

9 Recommendation

It is recommended the delegate of the Secretary:

- **Agree** that any inconsistency with section 9.1 Direction 3.1 Conservation Zones, 5.1 Integrating Land Use and Transport, 6.1 Residential Lands 9.1 Rural Zones and 9.2 Rural Land is of minor significance; and
- **Note** that the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans and 8.1 Mining, Petroleum Production and Extractive Industries are unresolved and will require justification.

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. Prior to community consultation the planning proposal is to be updated to:
 - Address consistency with the Gunnedah Local Strategic Planning Statement.
2. Consultation is required with the following public authorities:
 - Biodiversity Conservation Division
 - Mining, Exploration and Geoscience
 - NSW Department of Primary Industries – Agriculture
 - Red Chief Local Aboriginal Land Council
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 and that an LEP completion timeframe of 9 months be included on the Gateway.



30/1/24

(Signature)

(Date)

Craig Diss

Manager, Northern Region

Local and Regional Planning



26/2/2024

(Signature)

(Date)

Jeremy Gray

Director, Northern Region

Assessment officer

Sam Tarrant

Planning Officer, Northern Region

6643 6410