



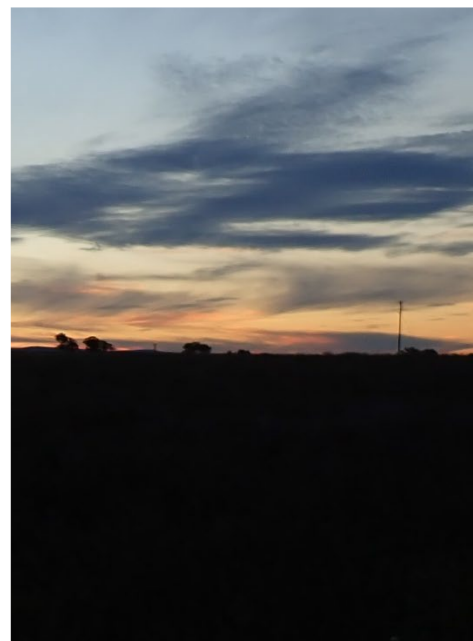
NGH

PLANNING PROPOSAL

Additional Permitted Land Use, 127-141 Lochrey Road, Gunnedah

May 2024

Project Number: 20-639



Document Verification

| | |
|--------------------|---|
| Project Title: | Additional Permitted Land Use, 127-141 Lochrey Road, Gunnedah |
| Project Number: | 20-639 |
| Project File Name: | "\\10.0.14.1\Active\Projects\2020\20-639 Gunnedah Highway Service Centre" |

| Revision | Date | Prepared by | Reviewed by | Approved by |
|------------|------------|--------------------|--------------------|--------------------|
| Draft V1.0 | 18/07/2022 | J. Duck | J. Honnef | L. Olesen - Jensen |
| Final V1.1 | 09/08/2022 | J. Duck | L. Olesen - Jensen | L. Olesen - Jensen |
| Final V2.0 | 2/09/2023 | L. Olesen – Jensen | | L. Olesen – Jensen |
| Final V3.0 | 28/04/2024 | L. Olesen – Jensen | | L. Olesen – Jensen |
| Final V3.1 | 22/05/2024 | L. Olesen - Jensen | | L. Olesen – Jensen |

NGH Pty Ltd prints all documents on environmentally sustainable paper including paper made from bagasse (a by-product of sugar production) or recycled paper.



W. www.nghconsulting.com.au

BEGA - ACT & SOUTH EAST NSW

Suite 11, 89-91 Auckland Street
(PO Box 470) Bega NSW 2550
T. (02) 6492 8333

BRISBANE

Suite 4, Level 5, 87 Wickham Terrace
Spring Hill QLD 4000
T. (07) 3129 7633

CANBERRA - NSW SE & ACT

Unit 8, 27 Yallourn Street
(PO Box 62) Fyshwick ACT 2609
T. (02) 6280 5053

GOLD COAST

19a Philippine Parade
(PO Box 466 Palm Beach QLD 4221)
Tugun QLD 4224 T. (07) 3129 7633

E. ngh@nghconsulting.com.au

NEWCASTLE - HUNTER & NORTH COAST

Unit 2, 54 Hudson Street
Hamilton NSW 2303
T. (02) 4929 2301

SYDNEY REGION

Unit 18, Level 3, 21 Mary Street
Surry Hills NSW 2010
T. (02) 8202 8333

WAGGA WAGGA - RIVERINA & WESTERN NSW

35 Kincaid Street (PO Box 5464)
Wagga Wagga NSW 2650
T. (02) 6971 9696

WODONGA

Unit 2, 83 Hume Street
(PO Box 506) Wodonga VIC 3690
T. (02) 6067 2533

NSW • ACT • QLD • VIC

W. www.nghconsulting.com.au

ABN 31 124 444 622 ACN 124 444 622

Table of Contents

| | | |
|-----------|--|------------|
| 1. | Planning Proposal | 1 |
| 2. | Background..... | 3 |
| 3. | Part 1 Objectives or Intended Outcomes | 5 |
| 4. | Part 2 Explanation of the provisions | 6 |
| 5. | Part 3 Justification..... | 7 |
| 5.1. | Section A - need for the Planning Proposal..... | 7 |
| 5.1.1. | Is the Planning Proposal a result of an endorsed LSPS, strategic study or report? .. | 7 |
| 5.1.2. | Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way? | 8 |
| 5.2. | Section B - relationship to strategic planning framework | 8 |
| 5.2.1. | Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)? | 8 |
| 5.2.2. | Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan? | 10 |
| 5.2.3. | Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?..... | 14 |
| 5.2.4. | Is the Planning Proposal consistent with applicable SEPPs? | 14 |
| 5.2.5. | Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)? | 16 |
| 5.3. | Section C - environmental, social and economic impact..... | 23 |
| 5.3.1. | Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal? 23 | |
| 5.3.2. | Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed? | 25 |
| 5.3.3. | Has the Planning Proposal adequately addressed any social and economic effects? 26 | |
| 5.4. | Section D - infrastructure (Local, State and Commonwealth) | 27 |
| 5.4.1. | Is there adequate public infrastructure for the Planning Proposal? | 27 |
| 5.4.2. | What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination? | 27 |
| 6. | Part 4 Mapping | 28 |
| 7. | Part 5 Community Consultation..... | 28 |
| 8. | Part 6 Project Timeline | 28 |
| | Appendix A Concept Design | A-1 |

| | |
|--|------------|
| Appendix B Proposal Site Analysis..... | B-I |
| Appendix C Building Services Infrastructure Report..... | C-I |
| Appendix D Land survey | D-I |
| Appendix E Traffic Impact Assessment | E-I |
| Appendix F Noise (Acoustic) Report | F-I |
| Appendix G Additional Permitted Uses Map..... | G-I |

Figures

| | |
|--|-------|
| Figure 1 Land application for this Planning Proposal (identified by black line) on Lot 1 DP 841781 | 1 |
| Figure 2 Concept design considerations (Source: Hill Lockart Architects, 2023) | 3 |
| Figure 3 Land use zoning under Gunnedah LEP 2012, showing the applicable land in black outline (NSW Gov. NSW Planning Portal, 2021) | 4 |
| Figure 4 Map and extract showing area of secondary koala habitat within the proposal site (GSC, 2015). | 23 |
| Figure 5 State Vegetation Type Map - Border Rivers Gwydir / Namoi (NSW Gov, SEED 2021).... | 24 |
| Figure 6 Biodiversity Values Map (NSW Gov DPIE, 2021)..... | 25 |
| Figure 7 Aerial image of the land subject to the Planning Proposal (Source: NSW Gov. DPIE, 2021) | B-I |
| Figure 8 LEP Flood Planning and Bushfire Prone Land mapping (Source: NSW Gov. DPIE, 2021) | B-I |
| Figure 9 NSW Land and soil capability map – Class 4 Moderate to severe limitations (Source: SEED, 2021) | B-II |
| Figure 10 NSW Land use 2017 (Source: SEED, 2021) | B-II |
| Figure 11 Gunnedah Shire Council – Development Servicing Plan for Water Supply (GSC, 2016) | B-III |
| Figure 12 Gunnedah Shire Council – Development Servicing Plan for Sewage (GSC, 2014) | B-III |
| Figure 13 Developer Services Plan Stormwater – Service Area (GHD, 2013)..... | B-IV |
| Figure 14 LEP Local heritage items map | B-V |
| Figure 15 Gunnedah Shire Local Housing Strategy, June 2023 - Summary of precincts and opportunities map (Source: Elton Consulting, 2021) | B-VI |
| Figure 16 Existing zoning of the subject and surrounding land (Source: NSW Gov, DPIE 2021) | B-X |

Table

| | |
|--|---|
| Table 2-1 Subject land and land ownership..... | 4 |
| Table 3-1 Considerations under the New England North West Regional Plan 2041 | 8 |

| | |
|--|----|
| Table 3-2 Considerations under the Local Strategic Planning Statement, Future 2040 | 10 |
| Table 3-3 Considerations under the Community Strategic Plan 2017-2027..... | 11 |
| Table 3-4 Considerations under the Gunnedah Shire Rural Strategy | 14 |
| Table 3-5 Considerations under the relevant State Environmental Planning Policies | 15 |
| Table 3-6 Consideration of Ministerial Directions | 16 |

1. PLANNING PROPOSAL

This Planning Proposal was prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to seek an amendment to Gunnedah Local Environmental Plan 2012 (Gunnedah LEP).

The Planning Proposal would enable an additional permitted use on land at 127-141 Lochrey Road, Gunnedah.

The subject land is legally described as Lot 1 DP 841781 however the additional permitted use would only apply to the part of the lot sited west of the Oxley Highway.

Figure 1 indicates the subject land.



Figure 1 Land application for this Planning Proposal (identified by black line) on Lot 1 DP 841781

The Planning Proposal requires for the Planning Proposal authority, Gunnedah Shire Council (Council) to exercise its function under Division 3.4 of the EP&A Act in relation to the land and amend Schedule 1 of Gunnedah LEP to include:

Use of certain land at 127-141 Lochrey Road, Gunnedah

- (1) That the use would apply to part of Lot 1, DP 841781, Lochrey Road, Gunnedah.**
- (2) That development for the purpose of highway service centre.**

The Planning Proposal does not seek to amend the land use zone or development standards applying to the land.

The Planning Proposal was prepared in accordance with the Local Environmental Plan Making Guideline (DPIE, 2021) and outlines the effect of, and provides justification for, the proposed changes to Gunnedah LEP. The Planning Proposal demonstrates consistency with the applicable regional and local strategic framework, State Environmental Planning Policies, and the Local Planning Directions made under Section 9.1 of the EP&A Act.

The following supporting documentation are appended to this Planning Proposal:

- Appendix A - Concept Design
- Appendix B - Proposal Site Analysis
- Appendix C - Building Services Infrastructure Report
- Appendix D - Land Survey
- Appendix E - Traffic Impact Assessment
- Appendix F - Noise (Acoustic) Assessment
- Appendix G - Additional Permitted Uses Map

2. BACKGROUND

Subject to the proposed amendment being made under Section 3.36 of the EP&A Act, Charlie One Pty Ltd intends to seek consent for a subsequent development application (DA) involving a *highway service centre*, as defined by the Gunnedah Local Environmental Plan 2012 on the land, generally consistent with the concept design included in Appendix A of this report.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

The concept layout plan has been informed by the consideration of the recommendations of the Gunnedah Shire Local Housing Strategy (June 2023), to expand residential development opportunities to land adjoining the site.

The proposed concept design includes the following elements to ensure land use compatibility and avoid land use conflict shown in Figure 2 below.

Future development would be centrally located, approximately 46, metres away from land proposed for future residential use. Site layout would incorporate:

- A 1.4-hectare landscaped buffer that wraps around the western portion of the development footprint, and
- The installation of an acoustic fence along the full length of the western development footprint (fronting Lochrey Road) and part of the northern development footprint. The acoustic fence would measure 2.1 metres in height and comprise of shiplapped timber boards on steel frame.

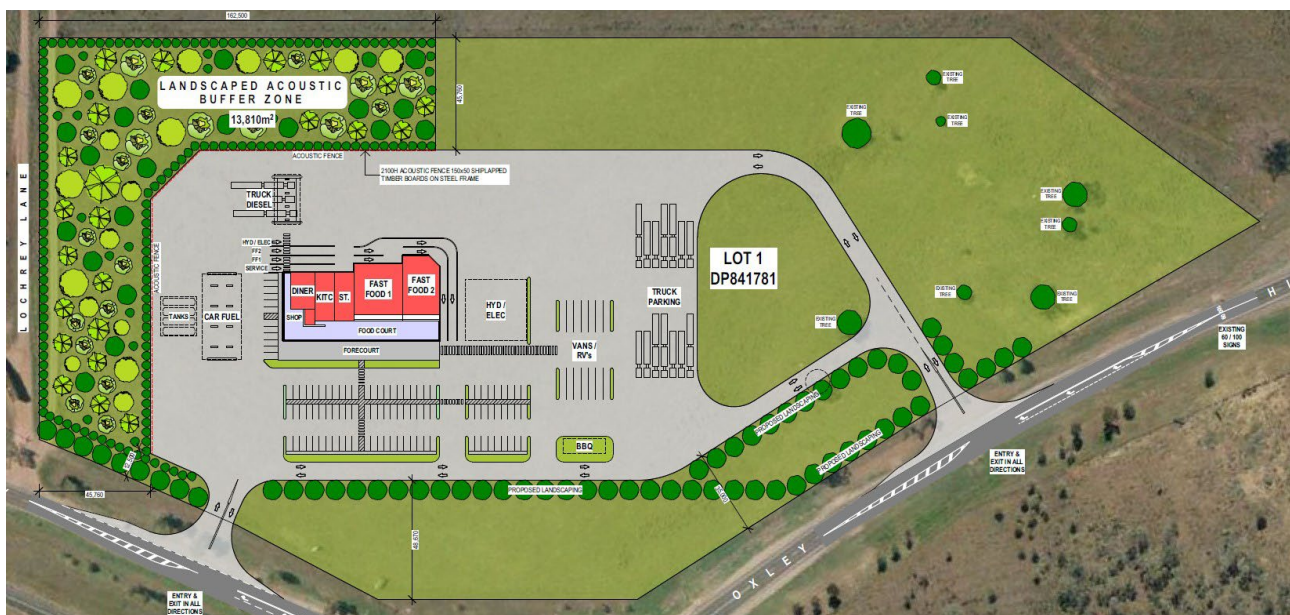


Figure 2 Concept design considerations (Source: Hill Lockart Architects, 2023)

The legal description of the subject land and land ownership is identified in Table 0-1.

Table 2-1 Subject land and land ownership

| Subject land | Landholder |
|--|---------------------|
| 127-141 Lochrey Road Gunnedah NSW - legally described as Part Lot 1 DP 841781 | Charlie One Pty Ltd |

The subject land is located at the intersection of the Oxley Highway and Kamilaroi Highway, approximately 2.7 kilometres to the southeast of the Central Business District (CBD) of Gunnedah. The Oxley Highway severs the lot, as shown in Figure 2 . The land drains toward the Mooki River, located on adjoining land to the east.

The land is within Zone RU1 Primary Production and has a minimum lot size of 200 hectares, for the purposes of permitting dwelling houses, under Section 4.2A of Gunnedah LEP. The adjoining areas to the south of the Kamilaroi Highway are within Zone R5 Large Lot Residential and have a minimum lot size of 1.2 hectares. The adjoining land parcels to the north, west and south of the land include large lot residential and rural dwelling houses.

The part of the land to which this Planning Proposal applies is approximately eight hectares in area. There are no buildings present, and the only improvements are rural fencing. The land was previously used for agriculture and is mostly clear of trees, apart from a scattering of paddock trees as seen on the aerial photo included in Figure 1.

Access is currently via the unsealed Lochrey Road, off the Kamilaroi Highway. Lochrey Road is located approximately 200 metres northeast of the intersection Oxley Highway and Kamilaroi Highway.

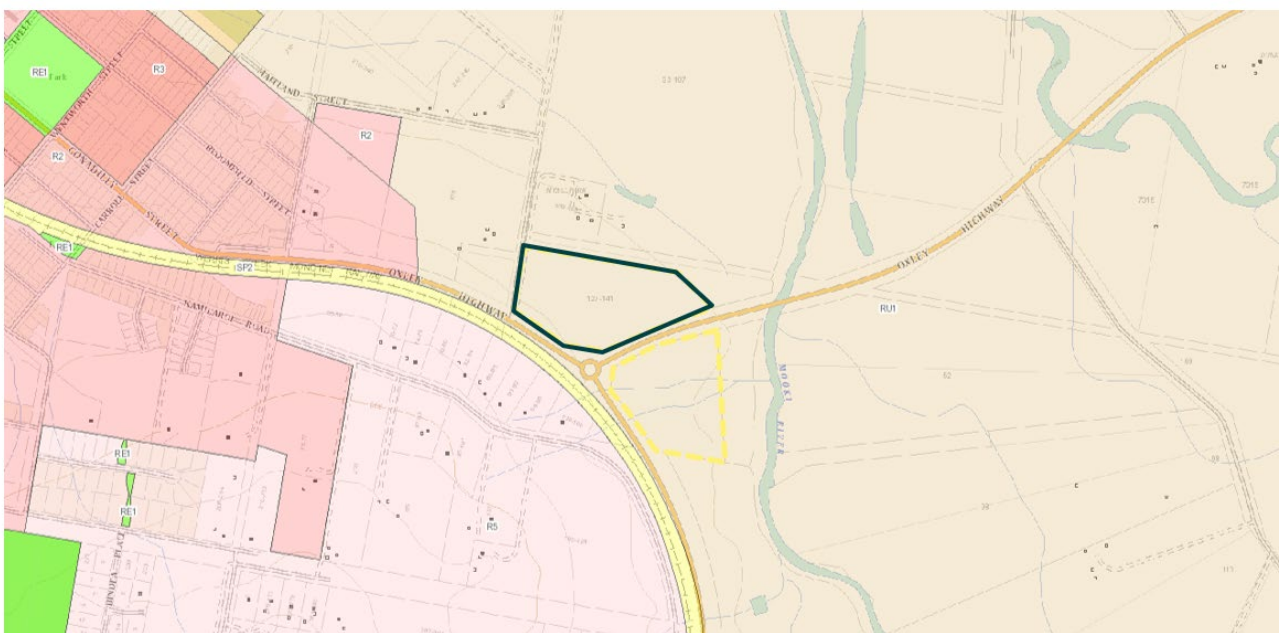


Figure 3 Land use zoning under Gunnedah LEP 2012, showing the applicable land in black outline (NSW Gov. NSW Planning Portal, 2021)

3. Part 1 Objectives or Intended Outcomes

The intent of this Planning Proposal is to amend Gunnedah LEP 2012 to enable the development of a 'highway service centre' on part of the subject land.

Furthermore, the Planning Proposal seeks to achieve the following objectives:

- Enable the orderly development of certain rural land, zoned for primary production, for land uses consistent to the strategic location at a highway junction and large land area, which are complementary to existing businesses and services within the Gunnedah Town Centre.
- Provide opportunity to support employment opportunities during construction and ongoing operation of proposed land uses.
- Provide for a development that is consistent with and/or does not compromise the intended outcomes of regional and local strategic land use plans (including the Gunnedah Shire Residential Strategy), the objectives of Zone RU1 Primary Production, and is compatible with existing and envisaged surrounding land uses.

4. Part 2 Explanation of the provisions

The proposed outcome of the Planning Proposal would be achieved by amending Schedule 1 Additional permitted uses of Gunnedah LEP 2012, to insert as an additional item the following:

2 Use of certain land at 127-141 Lochrey Road, Gunnedah

This clause applies to part of the land at Part Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah, shown as “Item 2” on the Additional Permitted Uses Map.

Development for the purpose of a highway service centre is permitted with development consent.

The proposed outcome of the Planning Proposal would also include amendment to the Additional Permitted Uses Map within the Gunnedah LEP, to identify the applicable land as shown in Appendix E.

5. Part 3 Justification

5.1. Section A - need for the Planning Proposal

5.1.1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is not the result of an endorsed LSPS, strategic study or report.

The Planning Proposal, however, is not inconsistent with:

- *The Gunnedah Shire Local Housing Strategy June 2023.*
- *Gunnedah Shire Local Strategic Planning Statement, Future 2040* (GSC, 2020) (LSPS).
- *Gunnedah Community Strategic Plan 2017 – 2027* (GSC, 2022).
- *Gunnedah Urban Land Use Strategy* (Insite, 2016).
- *Gunnedah Shire Rural Strategy* (EDGE Land Planning, 2007).

Specifically, the following provisions show the proposal would be compatible with the surrounding future desired character and would not be inconsistent with the currently available strategies:

- The *Gunnedah Shire Local Housing Strategy, June 2023* identifies potential residential constraints and opportunities for the proposal site and land to the west and south of the proposal site. The proposal site was identified within an area of potential mixed use/residential unconstrained land (see Appendix B, Figure 14), the 2016 strategy also identified land to the northwest as having potential for R5 large lot residential land. Specialist consideration of potential traffic impacts and noise impacts on potential future residential land and existing rural dwellings and residential areas on surrounding land have been included with this proposal, refer to Appendix C and Appendix D.
- *Draft Gunnedah Urban Land Use Strategy* (Insite, 2016) *Volume 2: Commercial Activation and Opportunities Strategy* includes a demand analysis for retail floor space. The Planning Proposal would support the Council in achieving this demand and 2026 projections. The Planning Proposal would not have a negative impact on the CBD and would not result in significant commercial activity on the periphery of Gunnedah (as part of this proposal or cumulatively). There is land identified to have a B7 zoning within Volume 2. This land is located 260m to the west of the proposal site, this is a zoning that is compatible with the proposed highway service centre and ancillary uses.

It is understood that Council is in the process of developing other local strategies to support the LSPS, however, as they are incomplete and are unable to be considered as part of this report.

As outlined above and in Appendix A, it is considered the current permissible uses prevents the best outcomes for the site being realised, including community and visitors needs and business and freight growth opportunities. An amendment of the Gunnedah LEP is vital, to support a development application relating to Part Lot 1 DP 841781.

5.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, an amendment to Schedule 1 of the Gunnedah LEP to enable currently prohibited land uses on the applicable land is considered the best means of giving effect to the objectives of the Planning Proposal (and enable determination of a subsequent DA consistent with the Concept Design in Appendix A).

The applicable land is within Zone RU1 Primary Production under the Gunnedah LEP, however its limited area of approximately eight hectares, being severed by the Oxley Highway from the remaining part of the subject land means this land is less suitable to support extensive agriculture. However, these characteristics, dual highway frontage, and proximity to urban land within Gunnedah makes this site viable for the proposed land use.

Rezoning of the land to an alternative zone, which supports the proposed land uses was considered but is not supported as this does not provide the same level of certainty to Council or the community of the intended outcomes on the land. The standard LEP instrument includes several mandated land uses permitted with consent within each potential employment zone. Were the land rezoned prior to being developed, there is a risk that a DA for an alternative permissible land use could be lodged, resulting in an out of centre commercial use that does not support the existing B2 Local Centre Zone within the Gunnedah town centre.

It is considered that the proposed LEP amendment is justifiable and in the public interest.

5.2. Section B - relationship to strategic planning framework

5.2.1. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

New England North West Regional Plan 2041

The New England North West Regional Plan 2041 (the Plan) establishes a 20-year strategic land use planning framework for the region with the aim to protect and enhance the region's assets and to plan for a sustainable future.

The subject land is located within the Gunnedah LGA, in the south-western part of the region. The Plan includes regional goals, directions, and actions to guide land use planning priorities and decision-making. The Plan provides guidance for councils in preparing local strategic plans, local plans, and planning proposals. The Planning Proposal is consistent the objectives of the regional plan, as identified in Table 3-1 below.

Table 3-1 Considerations under the New England North West Regional Plan 2041

| Objectives and strategies | Comment |
|---|---|
| OBJECTIVE 1: Coordinate land use planning for future population growth, community need and regional economic development | The Planning Proposal will result in the provision of a land use on land identified as being suitable for development, not being constrained by flooding, within proximity to the |

| | |
|--|--|
| | <p>urban areas of Gunnedah. The resultant highway service centre will not impact on adjacent land from developing for residential uses to accommodate growth of the Gunnedah in the future. The envisaged highway service centre will help support economic development through the provision of employment opportunities, and by increasing facilities for locals and visitors who may also patronise local retail or services.</p> |
| <p>OBJECTIVE 2: Protect the viability and integrity of rural land</p> | <p>The Planning Proposal will enable a non-rural use on land zoned for primary production. However, this will not result in an inconsistency with this objective for the following reasons:</p> <ul style="list-style-type: none"> • The applicable land has an area of only eight hectare, which is considerably less than the 200-hectare minimum lot size and therefore unlikely to accommodate a viable agricultural use. • The applicable land is severed from its residual part by the Oxley Highway, which would further make it difficult to be used for an agriculture use as part of a larger holding. • Adjacent land parcels include residential uses (large lot residential and rural dwellings), which are identified within the Gunnedah Shire Local Housing Strategy for future land use change to accommodate residential growth given the proximity to existing urban land uses and being able to support a development unconstrained by flooding that impacts a portion of the land. |
| <p>OBJECTIVE 5: Enhance the diversity and strength of Central Business Districts and town centres</p> | <p>The Planning Proposal supports this objective by:</p> <ul style="list-style-type: none"> • Not rezoning the land to a business/employment zone that may otherwise have potential to permit uses that compete with those within the established Gunnedah town centre (B2 Local Centre Zone). • The additional permitted use proposed will complement the existing or future |

| | |
|---|---|
| | land uses within the Gunnedah town and generate employment opportunities. |
| OBJECTIVE 6: Coordinate the supply of well-located employment land | The Planning Proposal will enable the subsequent development of a land use that would generate employment both during construction and during ongoing operations. |
| OBJECTIVE 7: Support a diverse visitor economy | The Planning Proposal seeks to enable a highway service centre on the applicable land, which will provide choice and support the local, and tourism economy. |

5.2.2. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement

The Gunnedah Shire *Local Strategic Planning Statement, Future 2040* (GSC, 2020) (LSPS) is applicable to the subject land. The following themes, planning priorities and actions from the LSPS relevant to the Planning Proposal are discussed in Table 3-2.

Table 3-2 Considerations under the Local Strategic Planning Statement, Future 2040

| Themes, planning priorities and actions | Comment |
|---|---|
| <i>Boundless Opportunity</i> Local Planning Priority 1: Grow business, services and the digital economy through education, employment, training and innovation. Local Planning Priority 2: Develop industrial, commercial, and agricultural land. Local Planning Priority 3: Grow tourism. Local Planning Priority 4: Develop infrastructure to support growth and change. Local Planning Priority 5: Support Traditional Custodians. | The Planning Proposal would facilitate the intended highway service centre, thereby providing entry level jobs and opportunities for the unskilled as well as opportunities for those with some training and skills. Although not within the areas noted as potential employment land under the LSPS, the characteristics of the subject land matches those of employment land that is likely to be in high demand, large lots; good access to the highway/ railway; level land; and access to infrastructure; no likely significant impacts to the environment; not productive agricultural land; and appropriately distanced from sensitive land uses. |
| <i>Places for People</i> Local Planning Priority 6: Enhance Gunnedah Shire's liveability. Local Planning Priority 7: Housing types for lifestyle diversity. | The Planning Proposal is not considered to detract from the livability of the city. It is also noted that the development location is considered suitable, and it is unlikely to affect future planning decisions about residential development as the plan states: <i>New residential development or infill development should avoid being located close to the freight</i> |

| Themes, planning priorities and actions | Comment |
|--|---|
| Local Planning Priority 8: Re-imagine and re-energize the Gunnedah CBD. | <i>network or freight and logistics facilities. Any developments near the freight network needs to take into consideration the existing and future freight movements on the network and allow the corridors to operate at maximum efficiency. New and infill developments will need to mitigate against noise and air emissions, as well as vibrations from the freight network.</i> |
| Connected and Accessible Local Planning Priority 9: Develop transport and freight opportunities. Local Planning Priority 10: Support accessible, high quality, local open spaces. | The Planning Proposal directly supports Local Planning Priority 9 and the NSW freight task set to increase by 28 percent by 2036. The site has been carefully chosen at the intersection of the 'Oxley and Kamilaroi Highways, providing access to the Newell and New England Highways, with these north-south highways being major interstate routes. |
| Sustainable and Resilient Local Planning Priority 11: Preserve biodiversity and prepare for climate change. | The Planning Proposal avoids important agricultural land (IAL) and is not considered incompatible with continued use of adjacent agricultural uses. The Planning Proposal supports a development that whilst a portion of the site is impacted by flood, the flood encroachment does not impact the development proposal. Water management would be considered as part of the future development application process. The subject land provides opportunities for avoidance of identified areas of native vegetation and potential habitat. |

Gunnedah Community Strategic Plan

The *Gunnedah Community Strategic Plan, 2017-2027* (GSC, 2022) (Community Plan) is applicable to the subject land. Outcomes and strategies from the Community Plan relevant to the Planning Proposal are discussed in Table 3-3.

Table 3-3 Considerations under the Community Strategic Plan 2017-2027

| Outcome and Strategy | Comment |
|---|---|
| 1.5 Strategically managed infrastructure 1.5.2 <i>Provide and maintain efficient water and sewerage systems that support a growing community.</i> | The Planning Proposal would facilitate future development consistent with the intended outcome given it would provide for sustainable, quality development, that would connect to essential infrastructure such as reticulated water and sewerage systems, ensuring |

| Outcome and Strategy | Comment |
|---|---|
| | orderly development of urban land and the optimal use of serviced land. |
| <p>2.1 A growing population and diversified economy</p> <p><i>2.1.1 Develop a diversified resilient economy.</i></p> <p><i>2.1.2 Support local businesses across the Gunnedah Shire.</i></p> <p><i>2.1.3 Actively encourage new industry to set up in the area.</i></p> <p><i>2.1.4 Support an affordable and available stock of industrial and commercial property.</i></p> | <p>The Planning Proposal is consistent with the outcomes of 2.1.1, 2.1.2, 2.1.3 and 2.1.4 given future development would activate a vacant site by permitting the construction of a highway service centre and ancillary activities.</p> <p>It is anticipated the highway service centre would include a service station, facilities for emergency vehicle towing and vehicle / truck repairs, restaurant, or café, and take away food premises.</p> <p>The Planning Proposal would encourage new business / industry that would result in a likely increase in local spending. This would support the existing community and local businesses across the Shire.</p> |
| <p>2.4 The Gunnedah Shire is an attractive place to invest</p> <p><i>2.4.2 Work together so that businesses, shops, the CBD, and industrial areas are well presented.</i></p> | <p>This Planning Proposal is consistent with outcome 2.4.2. The subject land comprises a vacant site supported by major transport routes connecting the subject land to other nearby CBD and villages, and services and infrastructure.</p> <p>The large site area allows for the construction of building able to incorporate design elements such orientation for solar access, articulation, roof expression and mix of materials, to mitigate its overall bulk and scale.</p> <p>Site design elements also includes a landscaped buffer and acoustic fencing to provide social benefits, such as separation from future residential land in proximity to the site, and opportunities for travellers to rest in a visually enhanced area contributing to stress reduction.</p> |
| <p>2.5 Skilled workforce and quality local educational opportunities</p> <p><i>2.5.1 Encourage new residents with skills to the area to supplement our skilled workforce</i></p> | <p>The Planning Proposal is consistent with outcome 2.5.1 given future development is likely to require skilled workers such as diesel and motor mechanics, and other specialised skills requiring courses and training needs.</p> |

| Outcome and Strategy | Comment |
|--|--|
| <p>3.4 Reduced crime and anti-social behaviour</p> <p><i>3.4.3 Encourage community safety by incorporating crime prevention through environmental design principles in new development.</i></p> | <p>The Planning Proposal is consistent with outcome 2.5.1 given future development of the site would activate a vacant site, attract patrons, and enhances safety through greater casual surveillance.</p> <p>Future development would incorporate safety and security considerations such as:</p> <ul style="list-style-type: none"> ▪ Avoiding potential areas of concealment, both built and vegetated. ▪ Provide clearly defined public, semi-public, and private areas. ▪ Separation of vehicle and pedestrian access areas. ▪ Thoughtful location of public facilities to promote maximum public surveillance without creating visual intrusion. ▪ Provision of lighting to external entry areas, vehicle parking and driveways. |
| <p>4.1 Balance between development and environmental protection</p> <p><i>4.1.2 Ensure development does not negatively impact on flooding.</i></p> | <p>The Planning Proposal is consistent with outcome 4.1.2 as discussed in section 5.2.5 of this report. Assessment of the proposal against the provisions of the Interim Criteria for the assessment of flood affected proposals indicates the proposal is consistent with Tier 1 criteria.</p> <p>The proposal is considered low risk given thoughtful consideration of the lands proximity to floodwaters has informed the overall design. The components comprising the development including traffic circulation areas, buildings, bowsters, and underground fuel storage tanks are located well away from the portion of the site that is flood affected, which is less than 1% of the site area.</p> <p>The concept layout plan, which indicates respective levels across the development site, provides evidence to support the proposal as low hazard given the following:</p> <ul style="list-style-type: none"> ▪ In the event of flood, the proposal would not result in the threat to life, given the provision of flood free vehicular circulation around the site, and safe evacuation. |

| Outcome and Strategy | Comment |
|----------------------|---|
| | <ul style="list-style-type: none"> ▪ In the event of flood, the proposal would not result in damage to infrastructure, such as the displacement of bowzers and underground storage tanks, causing environmental risk such as polluting waters. ▪ The portion of the land subject to flood does not form part of the development |

Gunnedah Shire Rural Strategy

The *Gunnedah Shire Rural Strategy* (EDGE Land Planning, 2007) (Rural Strategy) is applicable to the subject land. The following key matters from the Rural Strategy relevant to the Planning Proposal are discussed in Table 3-4.

Table 3-4 Considerations under the Gunnedah Shire Rural Strategy

| Key matters | Comment |
|--|--|
| <i>Water catchments and flooding, native vegetation and biodiversity, soils, topography, landscape character, bushfire risk, weeds, social and economic factors, rural land use and potential for conflict.</i> | <p>The site is a highly accessible location at a key entry point to Gunnedah giving it strategic importance. The proposal to introduce the additional permissible land use of highway service centre has been considered against the key matters raised in the Rural strategy. It is noted that the key focus area for future development was land located to the southwest of Gunnedah a significant distance from the proposal site.</p> <p>Other key matters raised in the Rural Strategy (listed in the left-hand column) have been considered as potential constraints for the additional land use. There is not considered to be any significant constraints for the land based on these factors and the proposal for additional land use is not considered unreasonable.</p> <p>The proposed additional land use provides an opportunity to make the most of a site in a visually prominent location, but also to take advantage of a location with a good buffer from residential areas and with low risk of land use conflicts, construction hazards and environmental impacts.</p> |

5.2.3. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no further applicable State and regional studies or strategies, other than those addressed elsewhere within this Planning Proposal.

5.2.4. Is the Planning Proposal consistent with applicable SEPPs?

State Environmental Planning Policies (SEPPs) relevant to the Planning Proposal are addressed in Table 3-6. This proposal is consistent with the SEPPs.

Table 3-5 Considerations under the relevant State Environmental Planning Policies

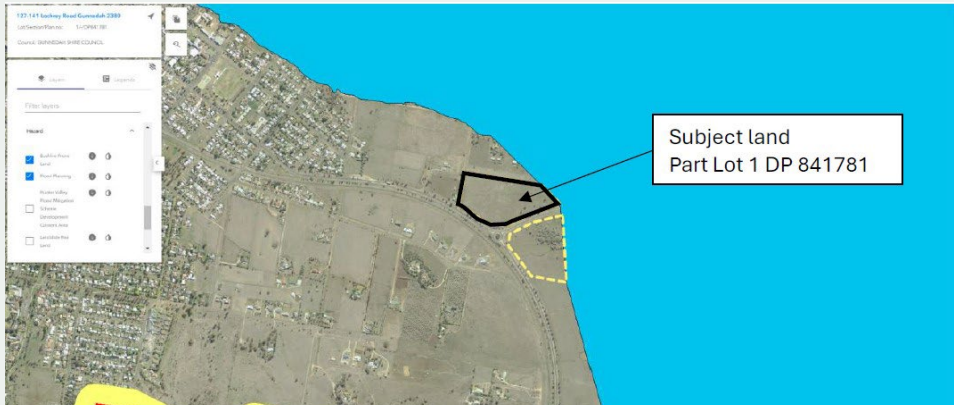
| Relevant SEPP | Comment/consistency with SEPP |
|---|---|
| State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) | <p>A Traffic Impact Assessment (TIA) (Appendix E) was prepared to support this Planning Proposal. The TIA demonstrates the feasibility of the Concept Design (Appendix A) and the ability for the proposed LEP amendment to result in development that complies with the TISEPP.</p> <p>It is noted that a subsequent DA would be required to further consider and address Section 2.116-2.119 and section 2.121 and any other relevant provisions of the TISEPP.</p> |
| State Environmental Planning Policy (Primary Production) 2021 (PPSEPP) | <p>The PPSEPP does not currently identify any State significant agricultural land (within Schedule 1) and therefore there are no specific provisions of this SEPP relevant to the subject land.</p> <p>However, it is noted the draft mapping that was exhibited in November 2021 mapped the proposal site.</p> <p>The draft mapping was based on 'A guideline to identifying important agricultural lands in NSW' (DPI 2017).</p> <p>Important agricultural land (IAL) is defined as being existing or future location of local or regionally important agricultural industries or resources based on:</p> <ol style="list-style-type: none"> 1. A current land use map that identifies where agricultural industries are located 2. A simple map of important biophysical resources for agriculture applicable across all agricultural industries 3. An additional extra overlay of socio-economic information also applicable across all agricultural industries 4. An agricultural industry map that identifies the location of specific agricultural industries using critical biophysical criteria, access to infrastructure and socio-economic location criteria.' <p>Any requirements of the PPSEPP relevant at the time of the DA would be considered and addressed.</p> |
| State Environmental Planning Policy (Resilience and Hazards) 2021 (R&HSEPP) | <p>Chapter 3 of the R&HSEPP would to be considered at DA stage, including the completion of a preliminary hazard analysis, where required.</p> <p>The site has a history of agricultural land use. A Preliminary Site Investigation would be completed at the DA stage if required in accordance with the requirements of Chapter 4 of the R&HSEPP.</p> |
| State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&CSEPP) | <p>The SEPP (Biodiversity and Conservation) 2021 would be considered at DA stage. The appropriate level of biodiversity assessment would be completed as part of the design stage and a consideration would include assessment of potential impacts to Koala and/or their habitat and feed trees. Any future DA may need to consider the provisions of the Gunnedah Koala Strategy.</p> |

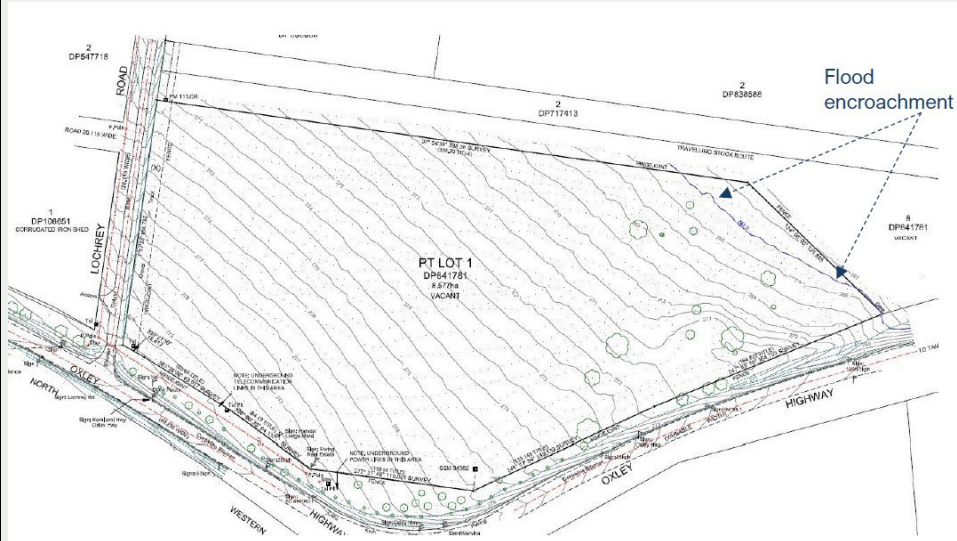
| Relevant SEPP | Comment/consistency with SEPP |
|---|---|
| State Environmental Planning Policy (Industry and Employment) 2021 (I&ESEPP) | Signage would be an important element of the development and I&ESEPP, Chapter 3 would be considered at DA stage when the signage details are known. |

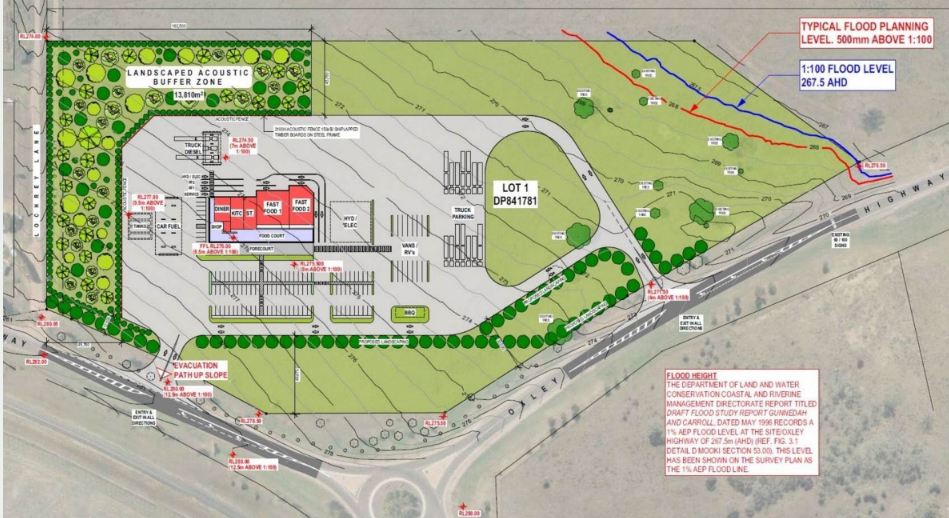
5.2.5. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. The following Ministerial Directions (dated 03 June 2022) are applicable to the Planning Proposal, as outlined in Table 3-6:

Table 3-6 Consideration of Ministerial Directions

| Ministerial Directions | Comment |
|---|---|
| Direction 1.1 Implementation of Regional Plans | The Planning Proposal is consistent with the <i>New England North West Regional Plan 2041</i> . Refer to part 3.2.1 for relevant considerations. |
| Direction 1.4 Site specific provisions | <p>This Planning Proposal seeks to amend the Gunnedah LEP 2012 to allow a particular land use to be carried out on the land consistent with subsection (1) (c) of this direction, that is to 'allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.'</p> <p>A Concept Design was developed to demonstrate how the outcomes of the Planning Proposal may be implemented by a subsequent development proposal. However, the concept design would not form part of the LEP amendment, consistent with the intent of this direction.</p> |
| Direction 4.1 Flooding | <p>Whilst LEP mapping indicates the subject land is located outside of land mapped as flood planning land (shown below) further verification was</p>  <p>sought given the proximity of the site to land mapped as flood planning land.</p> |

| Ministerial Directions | Comment |
|------------------------|---|
| | <p>The term <i>flood planning level</i> relates to the 1:100-year event flood mapping, given modelling to determine the Probable Maximum Flood (PMF) has not been commissioned by the Gunnedah Shire Council.</p> <p>The LEP Flood Planning map (shown above) indicates the subject land is outside of mapped flood planning land. Verification was sought through the preparation of a site survey to ensure the potential impact from floodwaters was minimal.</p> <p>The survey, conducted by Stewart Surveys on 13 July 2023, and was informed by the 1% Annual Exceedance Probability (AEP) flood level at the Oxley Highway of 267.5m (AHD). The survey identified a minor impact in the northeastern portion of Part Lot 1, as shown in the extract of the survey below.</p>  <p>Survey plan indicating flood encroachment (full copy appended to this Planning Proposal)</p> <p>The above survey indicates:</p> <ol style="list-style-type: none"> 1. The area of the site affected by the 1:100-year flood is less than 1% of the development site. 2. The area of the site affected by the 1:100-year flood is located on the downstream side of the bridge and abutments, thus in an eddy zone. The eddy zone is a low flow area with little or no velocity, with depth of water a maximum 500mm. <p>The portion of the land subject to flood does not form part of the development of the planned usable site and would be fenced off to prevent access by people and vehicles.</p> <p>The subject land comprises a large area of approximately 8.6 hectares. The land slopes from its highest elevation (RL 280.0m AHD) in its southwestern corner (intersection of Lochrey Road and Oxley Highway) in a northeasterly direction to its lowest elevation in the northeastern portion of the site (RL 267.0 AHD), being a fall of approximately 13 metres over a distance of 500 metres.</p> <p>The development footprint, including hard stand and vehicle circulation areas would be sited between the 270m contour (at its lowest elevation) and the 280m contour (its highest elevation). The vehicle circulation area provides flood free vehicular movement.</p> |

| Ministerial Directions | Comment |
|------------------------|---|
| | <p>The evacuation path (in the event of flood) is located up slope and sited approximately 12.5m above the typical flood level of 500mm freeboard above the 1:100 flood level. This ensures an evacuation route unconstrained by flood, determining the hazard risk as low.</p> <p>The proposed development buildings are sited between the 274m and 276m contours, being 8.5m above the flood planning level.</p> <p>Dedicated fuelling areas for cars and trucks are separated for safety reasons. The proposed location for truck refuelling is located to the north of the development buildings at the 274.5m contour, being 7 metres above the 1:100 flood level. The dedicated car refuelling area and underground fuel storage tanks are located at the 277.0m contour, being 9.5m above the 1:100 flood level.</p> <p>The proposed location of bowzers and underground fuel storage tanks ensures they would not become displaced by flood waters or extended periods of heavy rain. Additionally, underground storage tanks would be installed in accordance with EPA guidelines to minimise leaks and reduce environmental risk.</p> <p>The Concept Layout Plan has been overlaid over the survey plan, to indicate respective levels across the development site as shown below.</p>  <p>Concept layout plan overlaid over the survey plan (full copy appended to this Planning Proposal)</p> <p>This provides evidence to support the proposal as low hazard given the following:</p> <ul style="list-style-type: none"> ▪ In the event of flood, the proposal would not result in the threat to life, given the provision of flood free vehicular circulation around the site, and safe evacuation. ▪ In the event of flood, the proposal would not result in damage to infrastructure, such as the displacement of bowzers and underground storage tanks, causing environmental risk such as polluting waters. ▪ The portion of the land subject to flood does not form part of the development of the planned usable site and would be fenced off to prevent access by people and vehicles. |

| Ministerial Directions | | Comment | | |
|---|--|--|---|--|
| | | The development comprising the Planning Proposal has been assessed against the Interim Criteria for the assessment of flood affected proposals in Table 1 below. | | |
| Interim Criteria for the assessment of flood affected proposals | | | | |
| | Tier 1 Must meet all criteria to be considered lower risk and is able to proceed under the normal assessment process | Tier 2 Includes one or more of the criteria and the proposal may be able to proceed with further flood risk and mitigation measure analysis | Tier 3* Includes one or more of the criteria in Tier 2, as well as one or more in Tier 3 and as a result is classified a high risk proposal | Planning Proposal Highway Service Centre Part Lot 1 DP 841781 |
| Location within probable maximum flood area | Proposal located within the probable maximum flood area | Proposal is located in a flood storage area or flood fringe area within the probable maximum flood | Proposal is located in a floodway within the probable maximum flood | Unknown, given PMF modelling has not been undertaken in the Gunnedah Local Government Area. |
| Evacuation | Flood free evacuation route is provided prior to occupation of proposal | Flood free evacuation route can be provided prior to occupation of proposal | No flood free evacuation route achievable | The evacuation path (in the event of flood) is located up slope and sited approximately 12.5m above the typical flood level of 500mm freeboard above the 1:100 flood level, consistent with Tier 1 criteria. |
| Hazard category | Proposal is on low hazard land (categories H1-H3†) in the probable maximum flood | Proposal is on medium hazard land (categories H4†) in the probable maximum flood | Proposal is on high hazard land (categories H5-H6†) in the probable maximum flood | The proposal is located on low hazard land given the proposed development buildings are sited between the 274m and 276m contours, being 8.5m above the flood planning level. The dedicated car refueling area and underground fuel storage tanks are located at the 277.0m contour, being 9.5m above the 1:00 flood level. |

| Ministerial Directions | | Comment | | |
|------------------------|--|---|--|---|
| | | | | <p>The portion of land subject to flood is located on the downstream side of the bridge and abutments, thus in an eddy zone where there is little or no velocity in the water flow, and depth of water is a maximum 500mm.</p> <p>The proposed location of bowzers and underground fuel storage tanks ensures they would not become displaced by flood waters or extended periods of heavy rain. The above matters are consistent with Tier 1 criteria.</p> |
| Location | Proposal is not located in a high risk catchment† | Proposal is located within the floodplain of a high risk catchment† | | The proposal is not located in a high risk catchment, consistent with Tier 1 criteria. |
| Fill | No filling of floodplain proposed | No filling of floodplain proposed | | The proposal would not involve filling the floodplain given the topography of the subject land, and the proposed nature and scale of the development. The proposal is consistent with Tier 1 criteria. |
| Residential use | Proposal is located in the floodplain but does not include residential land use(s) | Proposal includes residential land use(s) | | The planning proposal seeks approval for a highway service centre, as an additional permitted use under Schedule 1 of the LEP. The proposal does not involve residential land uses. The proposal is consistent with Tier 1 criteria. |

| Ministerial Directions | | Comment | | |
|--|--|---|--|--|
| Affect on other land | No flood impact to other land identified | Flood impact to other land identified | | The area of the site affected by the 1:100 flood is less than 1% of the site area. The proposed development is sited well away from land that has the potential to flood. The proposal is consistent with Tier 1 criteria. |
| Sensitive/hazardous land uses | No sensitive and/or hazardous land uses** proposed | Sensitive and/or hazardous land uses** proposed | | The proposal does not involve a sensitive or hazardous land use. The proposal involves the development of a highway service centre. As discussed previously the proposed location of bowsters and underground fuel storage tanks ensures they would not become displaced by flood waters or extended periods of heavy rain. The above matters are consistent with Tier 1 criteria. |
| Referral | Under the normal assessment process, no requirement for referral or consultation with the NSW State Emergency Services or the Environment and Heritage Group | Under the normal assessment process there is a requirement for referral or consultation with the NSW State Emergency Services or the Environment and Heritage Group | | Noted. |
| <p>Assessment of the proposal against the provisions of the Interim Criteria for the assessment of flood affected proposals indicates the proposal is consistent with Tier 1 criteria.</p> <p>The proposal is considered low risk given thoughtful consideration of the lands proximity to floodwaters has informed the overall design.</p> <p>The components comprising the development including traffic circulation areas, buildings, bowsters, and underground fuel storage tanks are located well away from the portion of the site that is flood affected, which is less than 1% of the site area.</p> <p>The concept layout plan, which indicates respective levels across the development site, provides evidence to support the proposal as low hazard given the following:</p> | | | | |

| Ministerial Directions | Comment |
|---|--|
| | <ul style="list-style-type: none"> ▪ In the event of flood, the proposal would not result in the threat to life, given the provision of flood free vehicular circulation around the site, and safe evacuation. ▪ In the event of flood, the proposal would not result in damage to infrastructure, such as the displacement of bowzers and underground storage tanks, causing environmental risk such as polluting waters. ▪ The portion of the land subject to flood does not form part of the development of the planned usable site and would be fenced off to prevent access by people and vehicles. |
| Direction 4.4 Remediation of Contaminated Land | <p>The Planning Proposal site has been historically used for Agricultural uses.</p> <p>The Planning Proposal does not propose to enable development for residential, hospital, educational, recreational, or childcare purposes, however a Preliminary Site Investigation would be completed to inform a subsequent DA for the land.</p> |
| Direction 9.1 Rural Zones | <p>The Planning Proposal is consistent with the terms of this Direction.</p> <p>In respect of Part Lot 1 DP 841781, the Planning Proposal would not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The Planning Proposal is generally consistent with the Objective of this Direction as the proposal retains land within the flood plain protecting the agricultural production value of rural land.</p> |
| Direction 9.2 Rural Lands | <p>The Planning Proposal is consistent with the terms of this Direction because it:</p> <ul style="list-style-type: none"> • Is consistent with regional and local strategic plans statement as discussed in sections 3.2.1 and 3.2.2. • Is for land identified as Class 4, with moderate to severe agricultural limitations. • Has considered and future designs would protect environmental values, including biodiversity, cultural heritage. • Is for land considered suitable for the proposed additional land use because of the generally flat/gently sloping topography, large size, and location fronting two highways. • Does not further fragment rural land and is not likely to result in land use conflicts. • Considers the social, economic, and environmental interests of the community, refer to section 5.3 below. |

5.3. Section C - environmental, social and economic impact

5.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Planning Proposal is unlikely to have adverse environmental effects. The proposal relates to land zoned RU1 Primary Production, which is partly cleared of native vegetation through historic farming practices, however some native vegetation remains.

Gunnedah is known as the Koala Capital. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 would need to be considered with any future development application as well as Councils Koala Strategy (2015). A map showing potential habitat areas is shown in Figure 4. Where possible, avoidance of identified areas would be applied at the design stage, and/or the necessary biodiversity assessment would be completed.

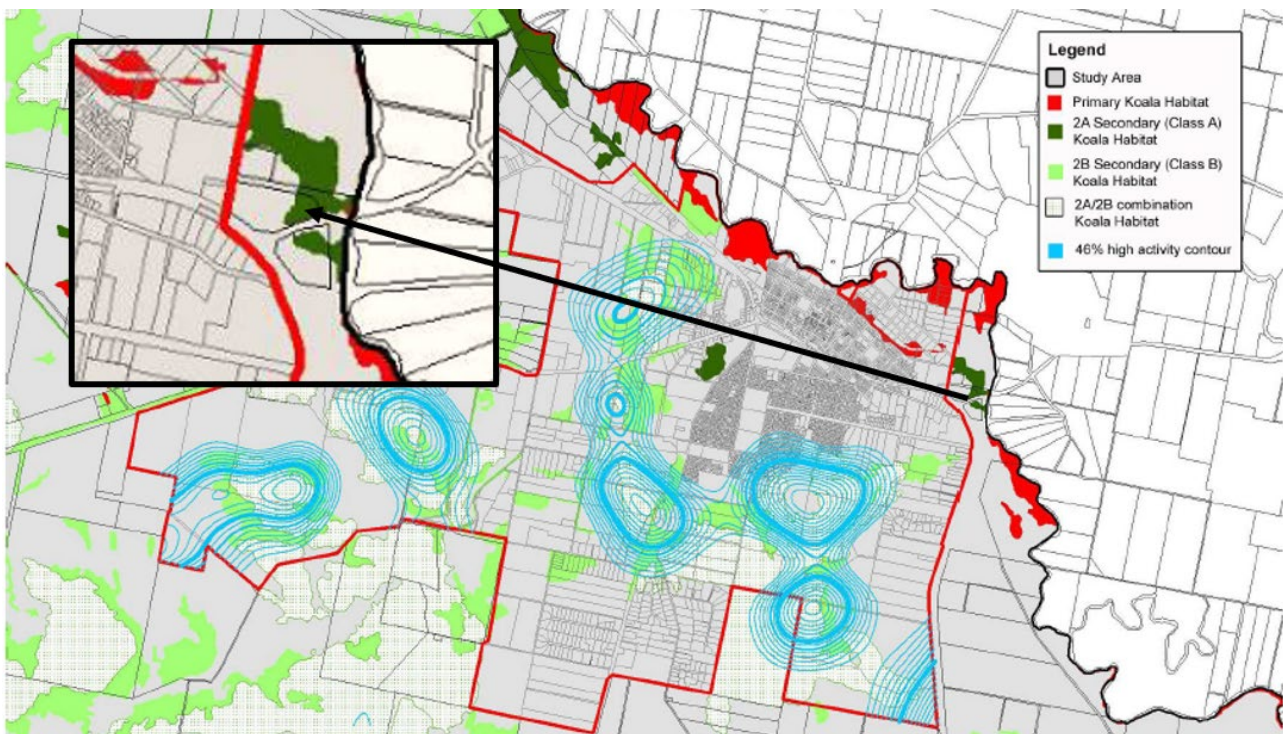


Figure 4 Map and extract showing area of secondary koala habitat within the proposal site (GSC, 2015).

The land is mapped on the NSW Governments SEED map (NSW Gov, 2021), as indicated in Figure 5, as non-native vegetation (PCT id:0) in the portion of the site to the north of the Oxley Highway and to the south with areas of non-native vegetation, candidate native grasslands (PCT id:1) and Weeping Myall open woodland of the Darling Riverine Plains Bioregion and Brigalow Belt South Bioregion (PCT id:27).

PCT 27 is classified on the NSW DPIE Environment website (NSW Gov, 2021) as:

- **Scientific name:** *Myall Woodland in the Darling Riverine Plains, Brigalow Belt South, Cobar Penepplain, Murray-Darling Depression, Riverina and NSW South Western Slopes bioregions*

- **Conservation status in NSW:** Endangered Ecological Community
- **Commonwealth status:** Endangered

Opportunities exist for avoidance of native vegetation as the first option in design of the future development (refer to the concept design in Appendix A). Where necessary, further study and/or mitigation implementation at DA stage are also possible to avoid adverse impacts because of the proposal.

The subject land is not identified on the Biodiversity Values Map, under the *Biodiversity Conservation Regulation 2017* (BC Regulation), as shown in Figure 6 on the following page. The areas of high biodiversity value are indicated by the purple layer, mapping the Mooki River to the east of the subject land.

A Bionet review and the Commonwealth Protected Matters Search tool results (dated 15/03/2021) has been considered, the key results are the potential for threatened vegetation communities to be present on the site. This is considered a low risk due to opportunities existing for avoidance as the first option in design of the future development.

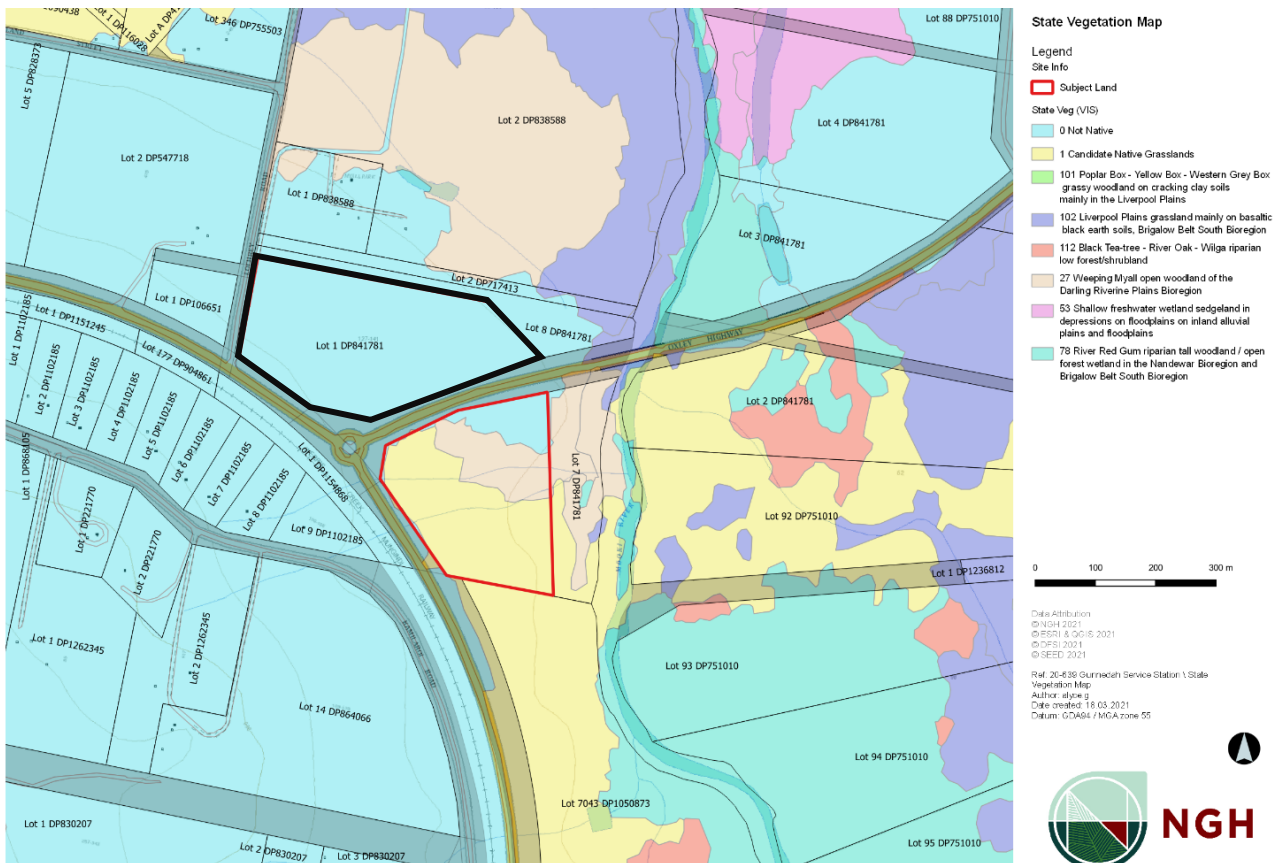


Figure 5 State Vegetation Type Map - Border Rivers Gwydir / Namoi (NSW Gov, SEED 2021)

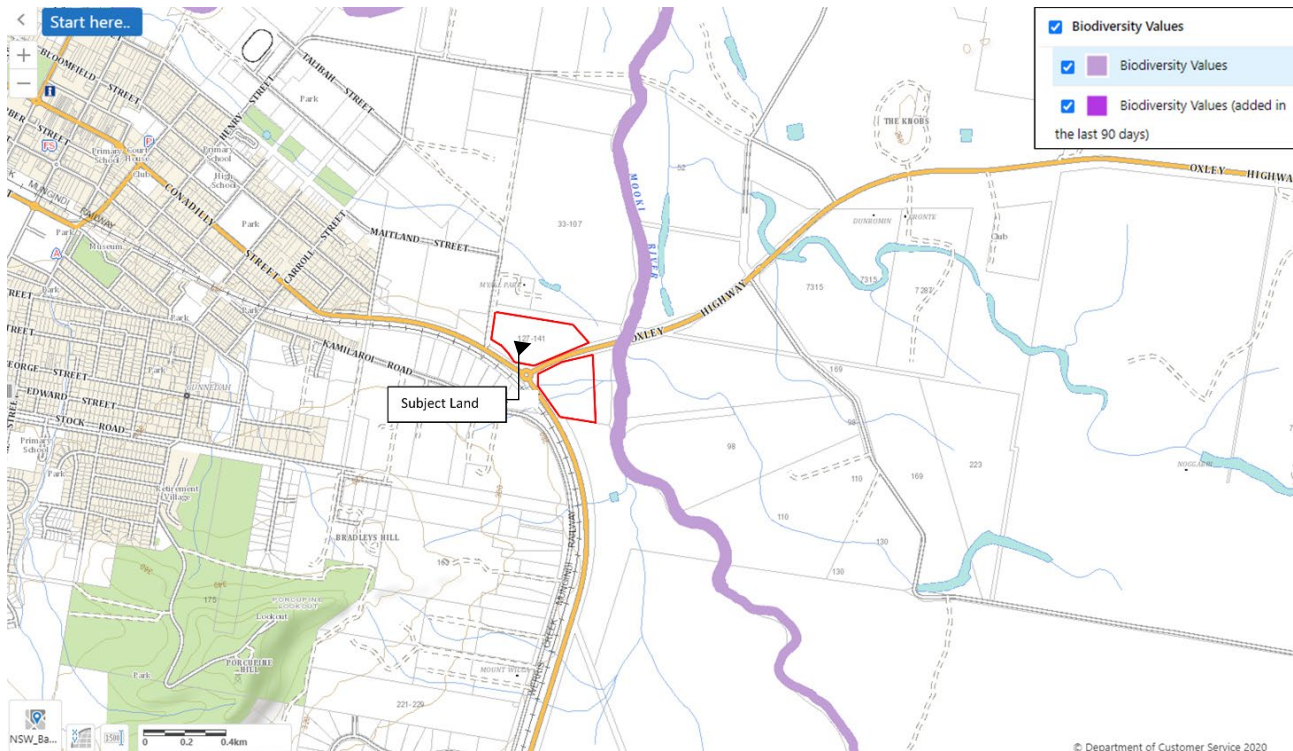


Figure 6 Biodiversity Values Map (NSW Gov DPIE, 2021)

5.3.2. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the Planning Proposal. Noise and Traffic assessments have been completed for the concept plan provided at Appendix A. Refer to the supporting reports in Appendix E and Appendix F.

The traffic assessment showed:

- The site access can be designed safely and meet the requirements of the relevant agency.
- The road network would be capable of accommodating the proposal and expected traffic that would be generated.
- The site access would be separated from roads accessing near dwellings.

The noise assessment showed:

- Unlike noise which travels through air, the transmission of vibration is highly dependent on substratum conditions between the source/s and receiver. Also dissimilar to noise travelling through air, vibration levels diminish quickly over distance, thus an adverse impact from vibration on the broader community is not typically expected. Vibration during works is considered an intermittent source associated with two main types of impact: disturbance at receivers and potential architectural/structural damage to buildings. Generally, if disturbance issues are controlled, there is limited potential for structural damage to buildings.
- The noise modelling for operation show compliance with noise management levels with the exception of cumulative operations at R1 which is predicted to exceed by 2 dB(A) and 3 dB(A) for evening and night respectively. This is modelled as a worst-case scenario,

therefore, actual noise levels received can be expected to be significantly lower. Based on this assessment compliance can be expected for the development.

Additionally, assessment concerning flood impact indicates the proposal is considered low risk given design consideration of the lands proximity to floodwaters has informed the overall design. As indicated previously in this proposal:

The components comprising the development including traffic circulation areas, buildings, bowsters, and underground fuel storage tanks are located well away from the portion of the site that is flood affected, which is less than 1% of the site area.

The concept layout plan, which indicates respective levels across the development site, provides evidence to support the proposal as low hazard given the following:

- In the event of flood, the proposal would not result in the threat to life, given the provision of flood free vehicular circulation around the site, and safe evacuation.
- In the event of flood, the proposal would not result in damage to infrastructure, such as the displacement of bowsters and underground storage tanks, causing environmental risk such as polluting waters.
- The portion of the land subject to flood does not form part of the development of the planned usable site and would be fenced off to prevent access by people and vehicles.

Other potential environmental effects associated with the future development application/s are briefly addressed in Appendix B (B1.2).

All potential environmental effects associated with any future construction and operation would be addressed at the DA stage. Designing for the avoidance and mitigation of potential impacts of construction and operation would form part of the DA process.

5.3.3. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal seeks an amendment to the LEP to include a land use not suitable in existing areas within the CBD. There is sufficient traffic movement indicating that there would be no significant reduction of use at existing facilities/businesses of a similar nature that are located within the city centre of Gunnedah, minimising impacts on the viability of the CBD. The proposal may also have a beneficial result in keeping heavy vehicles from entering the centre of town improving road safety.

The Planning Proposal has considered land availability, traffic access, potential environmental effects that can result in negative social and economic impacts. There is expected to be some change to the noise and odour environment from the potential additional land use, however, being located at the intersection of the Oxley and Kamilaroi highways, would already have noticeable noise and air quality impacts. The requirement for construction and operational noise management plans would be expected to be form part of any future DA consent conditions. Visual changes to the streetscape and rural area, light spill from the future development and waste management would also need to be considered in the design process for the DA, and managed and mitigated as necessary.

The proposal would require upgrades to Council and other utility services to connect to the site. The Planning Proposal would support the continued growth of the freight and tourism in the

Gunnedah Shire. This Planning Proposal would also create opportunities for potential positive social and economic benefits that could be anticipated for the local community and economy, in the form of job creation and employment benefits.

It is considered that the Planning Proposal's social, economic, and environmental impacts can be managed through the DA process.

5.4. Section D - infrastructure (Local, State and Commonwealth)

5.4.1. Is there adequate public infrastructure for the Planning Proposal?

Road network

The land has direct access to a classified road and a local road.

The development would be a traffic generating development and referral to Transport for NSW would be required with any development. Initial consultation on the concept proposal has been completed as part of the preparation of the TIA.

Services

The proposal would require upgrades to Council and other utility services to connect to the site for the proposed additional land use (highway service centre), as determined through a dial before you dig search and consideration of Councils servicing plans.

The subject land is covered by the *Gunnedah Shire Council – Development Servicing Plan for Water Supply* (GSC, 2016) but is not covered by the *Gunnedah Shire Council – Development Servicing Plan for Sewage* (GSC, 2014). The sewage coverage limits are just to the west of the subject land on the western side of Lochrey Road. The drainage coverage limits are located further west.

A Building Services Infrastructure Report has been prepared by Marline Building Services Engineers, which outlines the existing infrastructure, detailing information on the existing capacity and any augmentation to the services required for the proposed development. The report also details records of consultation with relevant local authorities and agencies. The report is appended to this Planning Proposal at Appendix C.

5.4.2. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Transport for NSW were consulted as part of the TIA, specifically regarding the potential site access and egress. In principle support was provided for the option provided in the concept design.

It is understood that further consultation with relevant State and/or Commonwealth public authorities would be carried out by Council post-gateway determination, where included as a condition.

A subsequent DA is also likely to prompt further consultation with Transport for NSW, due to potential traffic generation and direct highway access.

6. Part 4 Mapping

The Planning Proposal would result in an amendment to the Additional Permitted Uses Map (Sheet APU_005AA), in Gunnedah LEP.

The proposed amendment is shown in Appendix E.

7. Part 5 Community Consultation

Community consultation would be undertaken by Council in accordance with the conditions of the Gateway Determination.

8. Part 6 Project Timeline

The project timeline would be prepared by Council in accordance with the required timeframe set as a condition of a gateway determination.

Appendix A CONCEPT DESIGN

The following plan shows the potential highway service centre design, that would be finalised via a DA process if this Planning Proposal was successful.

Appendix B PROPOSAL SITE ANALYSIS

B.1 Site Analysis

The context of the Planning Proposal has been undertaken by reviewing the concept design for the subject land for the additional land use against relevant maps, legislation, and other Council provisions. Key maps and the summary of the LEP analysis is provided below.

B1.1 Important Maps – site context, services and other environmental matters

Part Lot 1 DP 841781 and the area to which the Planning Proposal applies (black outline) is indicated in Figure 7 below.

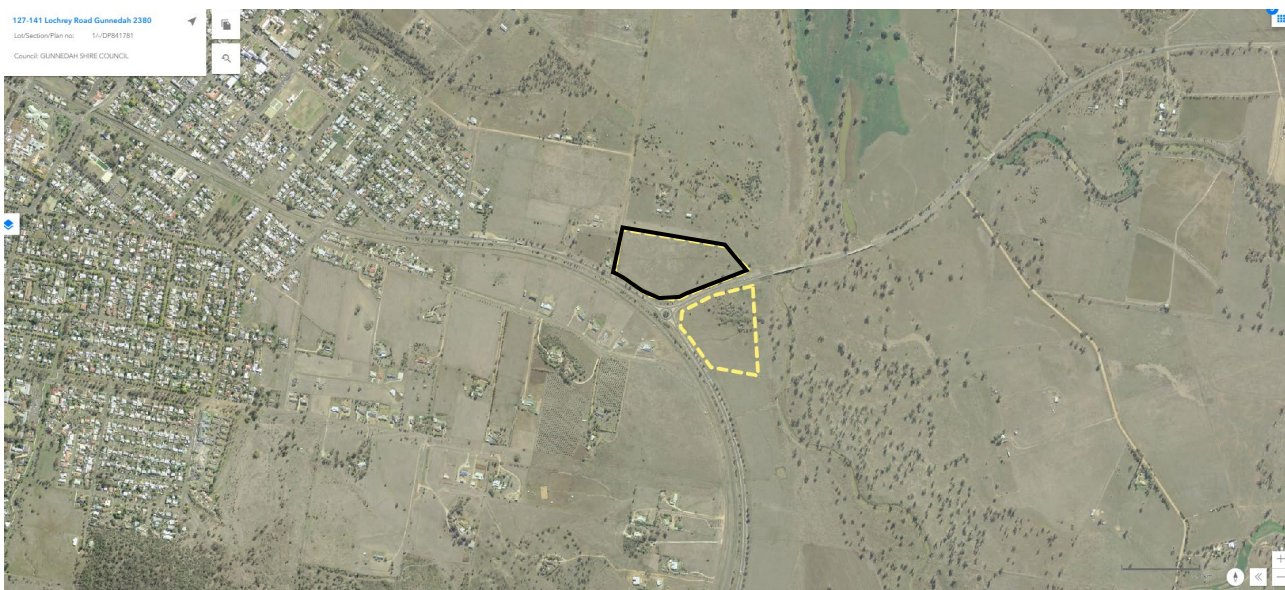


Figure 7 Aerial image of the land subject to the Planning Proposal (Source: NSW Gov. DPIE, 2021)

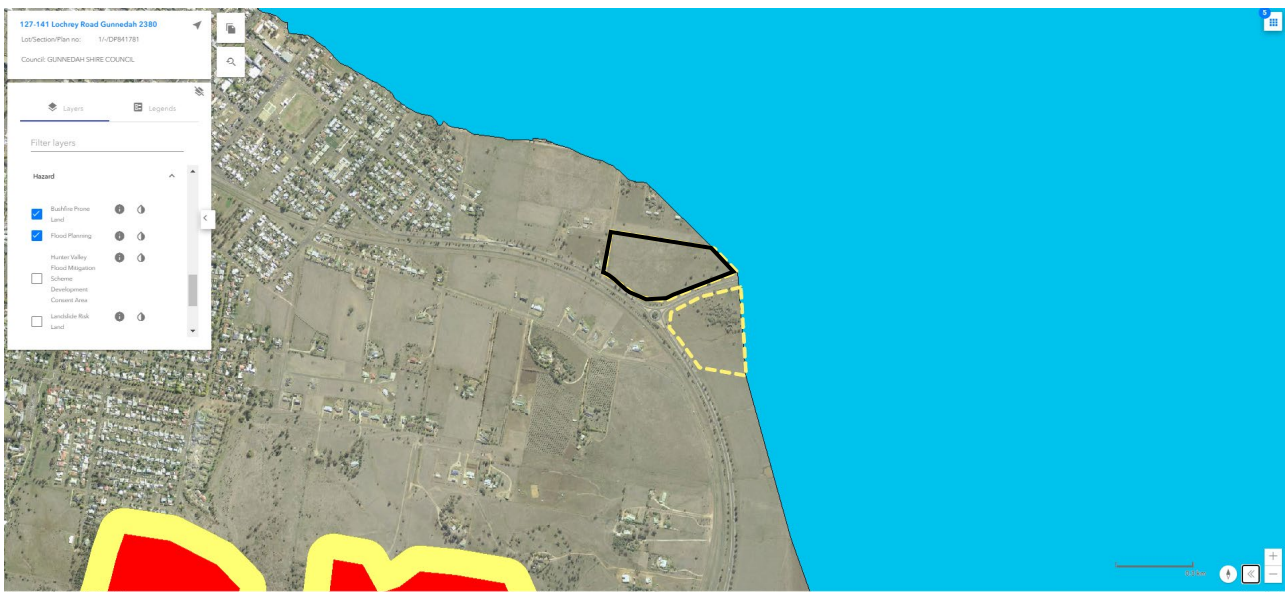


Figure 8 LEP Flood Planning and Bushfire Prone Land mapping (Source: NSW Gov. DPIE, 2021)

Planning Proposal
Additional Permitted Land Use, 127-141 Lochrey Road, Gunnedah

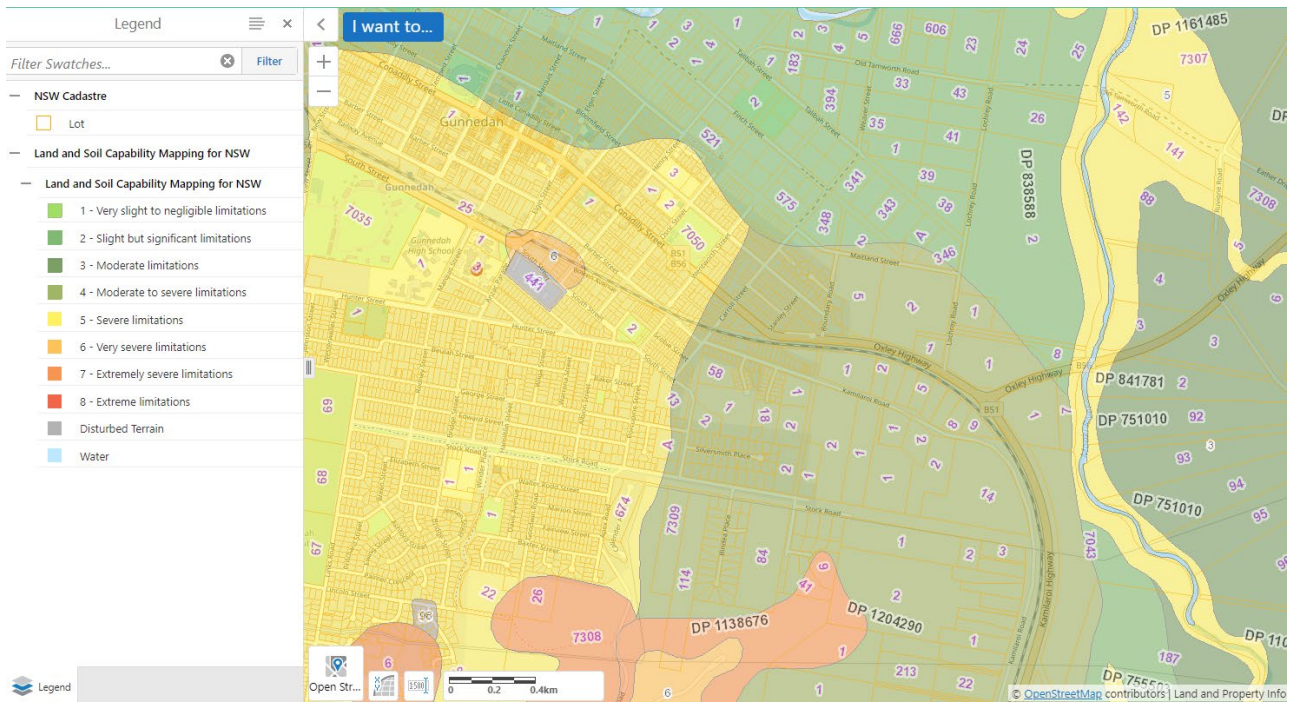


Figure 9 NSW Land and soil capability map – Class 4 Moderate to severe limitations (Source: SEED, 2021)

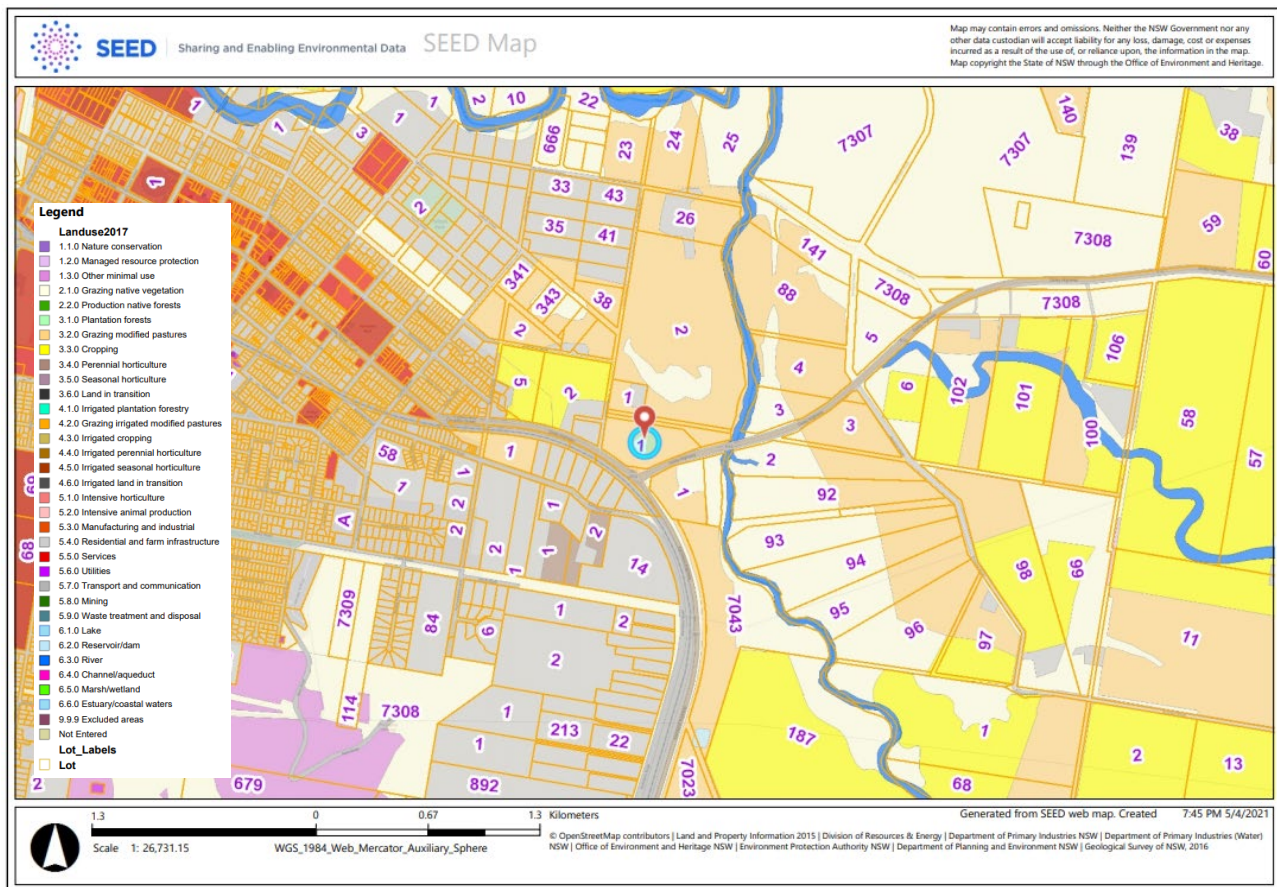


Figure 10 NSW Land use 2017 (Source: SEED, 2021)

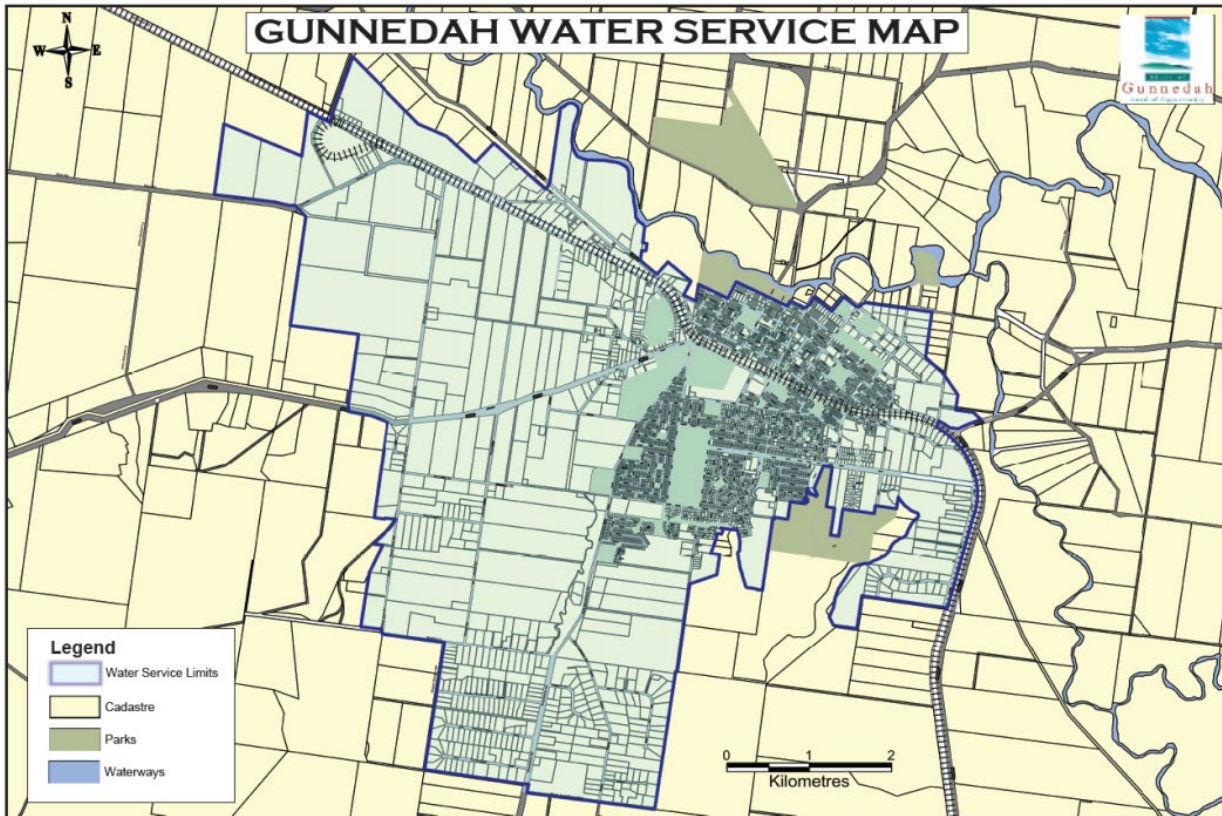


Figure 11 Gunnedah Shire Council – Development Servicing Plan for Water Supply (GSC, 2016)

FIGURE 1 - MAP OF GUNNEDAH SEWERAGE SERVICE AREA (2014)

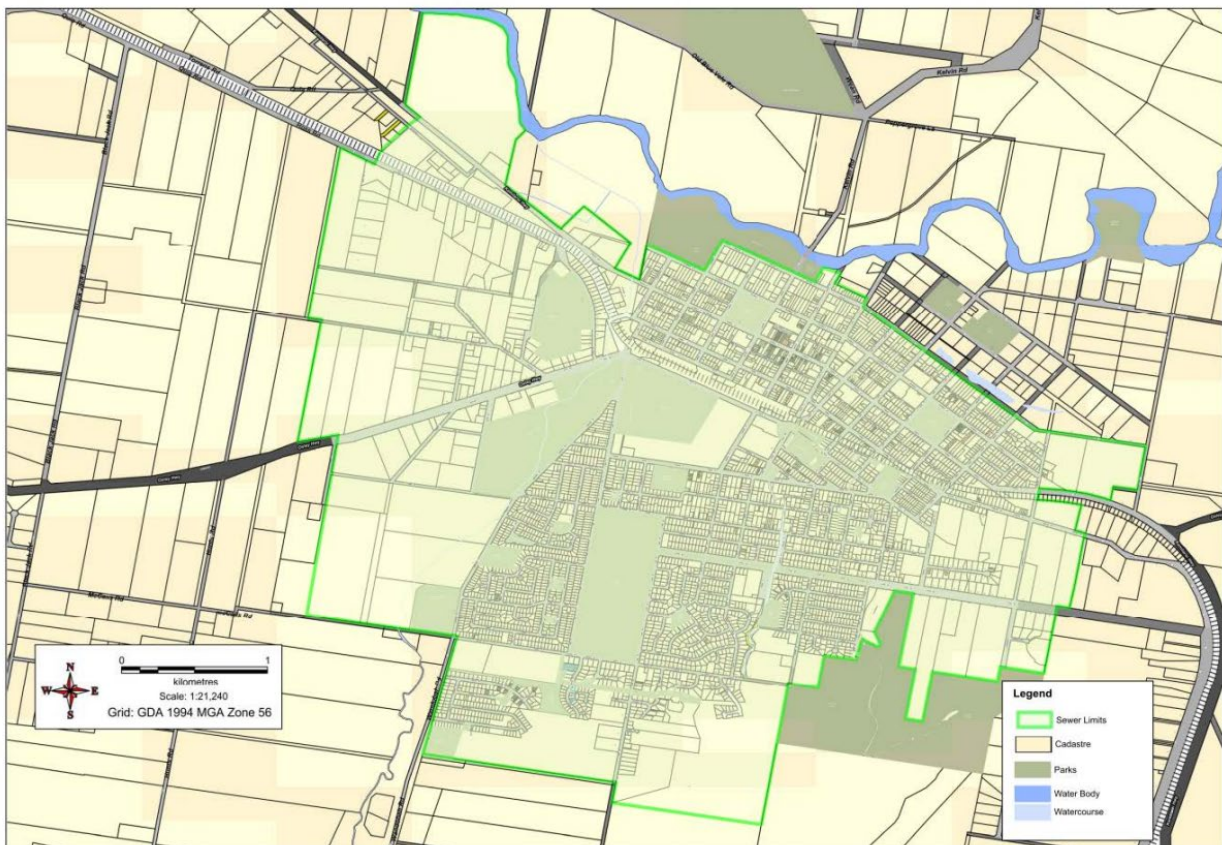


Figure 12 Gunnedah Shire Council – Development Servicing Plan for Sewage (GSC, 2014)

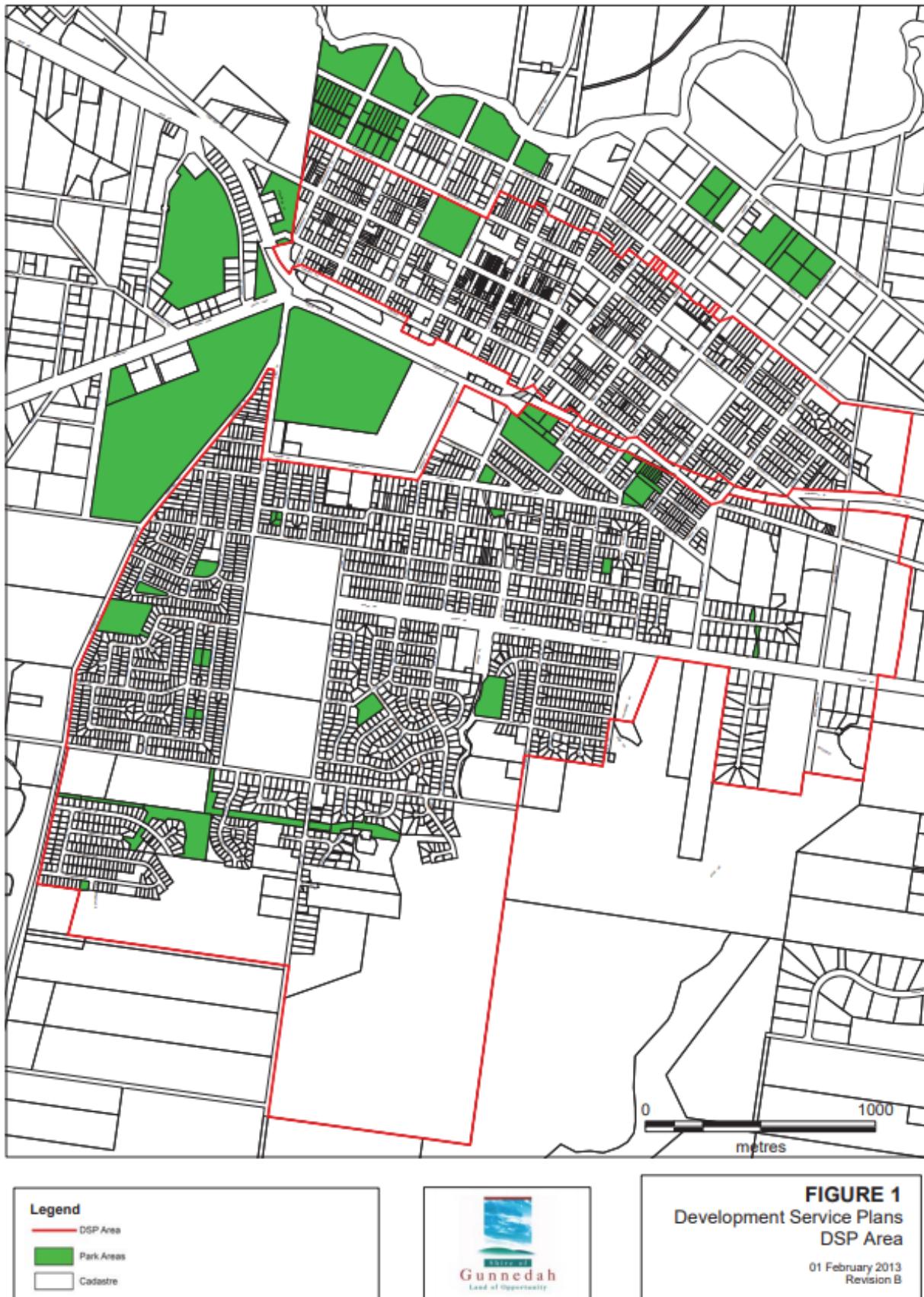


Figure 13 Developer Services Plan Stormwater – Service Area (GHD, 2013)

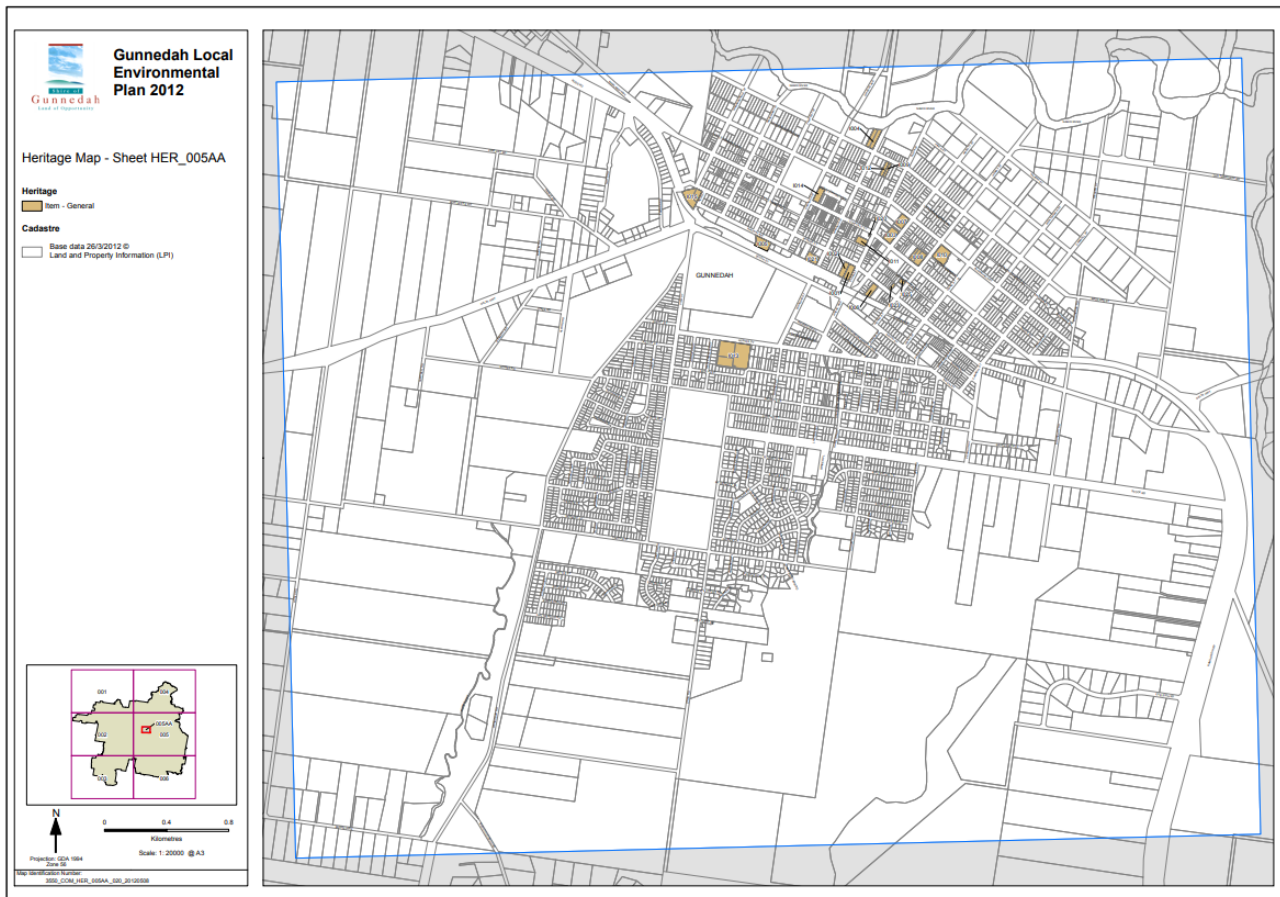


Figure 14 LEP Local heritage items map

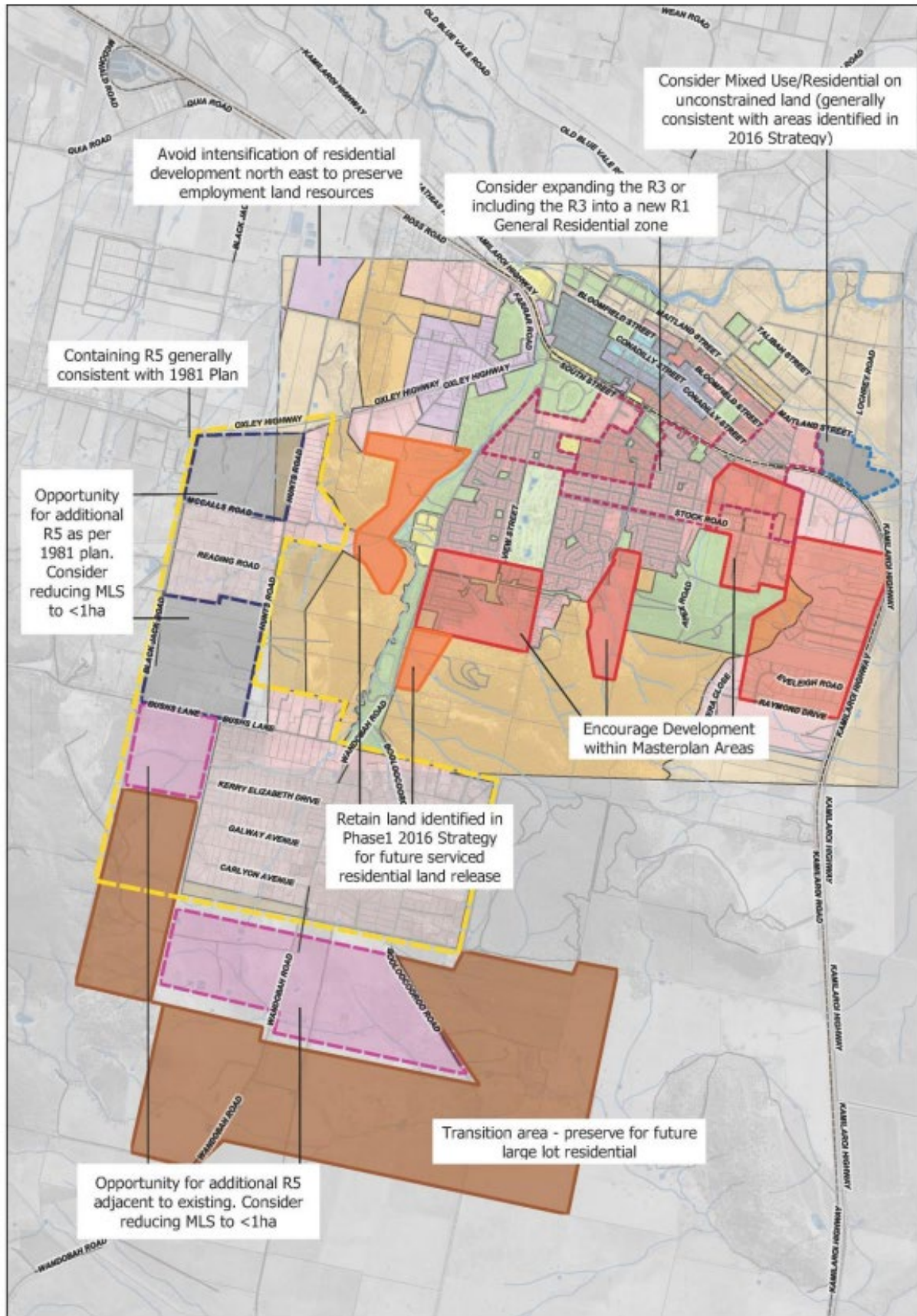


Figure 15 Gunnedah Shire Local Housing Strategy, June 2023 - Summary of precincts and opportunities map (Source: Elton Consulting, 2021)

B1.2 Consideration of potential environmental effects, avoidance and mitigation

Traffic

The future development of the site would generate additional traffic in the area and would require direct access to the Oxley Highway, a classified road managed by Transport for NSW. A TIA (Amber, 2022) was completed for the proposal to consider options for site access and potential traffic implications. The TIA showed safe access, consistent with transport for NSW and Council needs can be achieved.

The TIA considered the existing road network operation and traffic volumes and the site, based on the concept design, could generate a total of 261 (combined inbound and outbound) vehicle movements during the morning and evening peak periods. The analysis of the traffic volumes showed the development of the site as a service centre is expected to be able to be established with a minimal impact to the operation of the surrounding road network which is expected to be able to continue to operate with a good level of service.

A total of 105 parking spaces have been included in the sites concept design. The TIA's analysis shows this would be a suitable level of car parking to accommodate the parking demand generated by the proposed uses.

Further analysis of the final site design and development of appropriate management measures, such as implementing a traffic management plan, would be required at DA stage.

Noise

The future development of the site would result in a change to the existing noise environment. An acoustic assessment (RAPT, 2022) considered the potential for construction and operational noise and vibration impacts.

The report concluded that construction noise management levels would be complied with in most situations. The potential for exceedances for some receivers assessed in certain situations was identified. However, the highly noise affected level of 75dB(A) LAeq(15min) is expected to be complied with.

For operation the report, noise modelling identified the proposal would be able to be designed to comply with established project noise trigger levels. As such the proposal would be unlikely to result in excessive noise from operations including from cumulative effects.

Mitigation measures to limit and minimise construction noise and vibration and operational noise have been identified for consideration as part of any future DA's, such as the implementation of a noise management plans.

Flood Planning

Assessment of the proposal against the provisions of the Interim Criteria for the assessment of flood affected proposals indicates the proposal is consistent with Tier 1 criteria.

The proposal is considered low risk given thoughtful consideration of the lands proximity to floodwaters has informed the overall design.

The components comprising the development including traffic circulation areas, buildings, bowzers, and underground fuel storage tanks are located well away from the portion of the site that is flood affected, which is less than 1% of the site area.

The concept layout plan, which indicates respective levels across the development site, provides evidence to support the proposal as low hazard given the following:

- In the event of flood, the proposal would not result in the threat to life, given the provision of flood free vehicular circulation around the site, and safe evacuation.
- In the event of flood, the proposal would not result in damage to infrastructure, such as the displacement of bowzers and underground storage tanks, causing environmental risk such as polluting waters.
- The portion of the land subject to flood does not form part of the development of the planned usable site and would be fenced off to prevent access by people and vehicles.

Bushfire Prone Land

The subject land is not mapped as bushfire prone land. Bushfire prone land is located approximately 700 metres to the southwest of the land.

Aboriginal Heritage

Matters concerning Aboriginal cultural heritage have been considered. A basic AHIMS search was conducted on 11 July 2022. No sites are recorded, and no Aboriginal Places or sites have been recorded within a 200m buffer of the subject land; however, 2 Aboriginal sites are recorded within 1000 m of the subject land. As the works would disturb the land, the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010) would apply. Further study, including visual inspection of the site may be required with any future development application.

Opportunities exist for avoidance as the first option in design of the future development. Where necessary further specialist study, engagement with Registered Aboriginal Parties (RAPs) and/or mitigation implementation at DA stage are also possible to avoid, minimise or manage any potential adverse impacts.

Post-European heritage

There are no heritage items near or within the subject land, as shown in Figure 14.

Airspace operations

Gunnedah airport is over 3km from the subject land. The intended highway service centre would not introduce obstacles or reflective hazards and would have no likely environmental effects on the airport, other than the positive effect of supporting transport and tourism through the region.

Land use conflicts (Air quality and odour)

Opportunities exist for avoidance of impacts as the first option in design of the future development. Separation from existing residential areas is provided by roads. The Planning Proposal does not

alter this potential buffer. Where necessary further specialist study and/or mitigation implementation at DA stage are also possible to avoid or manage (mitigate) any air quality or odour impacts from the Highway Service Centre.

Soils and water

There are no likely adverse environmental effects to soils or water as a result of the Planning Proposal. Soil and water management would be addressed at DA stage. This may include the development of a soil and water management plan for construction. Designing for the mitigation of potential impacts of construction and operation would form part of the DA process.

Site servicing

There are no likely adverse environmental effects from site servicing and infrastructure because of the Planning Proposal. Connections to services for the future development would be a consideration during the design stage. The site is currently within the service area for water but is located just outside of Council's DSP area for sewage and stormwater. Electricity and phone services would be connected as necessary in consultation with relevant providers. It is proposed that all details of all proposed servicing infrastructure would be addressed with the Development Application. Also refer to discussion in section 3.4.1 and Building Services Infrastructure Report at Appendix C of this report.

B1.3 Gunnedah LEP analysis – suitability of the proposed LEP amendment

NGH has conducted initial consultation with Council regarding the proposed Gunnedah LEP amendment. Council directed that the separation of the highway service centre elements from the land to the west and north would be important consideration, it was acknowledged that this can be achieved with siting, specifically noting the potential design solutions using a landscaped buffer and acoustic fence to the west, and part northern development footprint. Council identified the need to resolve access to the site with a Traffic Impact Assessment (including consultation with Council and relevant agencies). Council identified the need to address the potential for noise impacts requiring specialist acoustic assessment.

This Planning Proposal seeks to amend the provisions of the Gunnedah LEP at 127-141 Lochrey Road to enable development that is currently not permissible under the current RU1 land zoning. The proposal seeks to include an additional land use. This would be in acknowledgement of the location of the subject site and compatibility with the surrounding developments including specifically the residential (rural and large lot) uses separated by roads from the site, as shown in Figure 16 below.

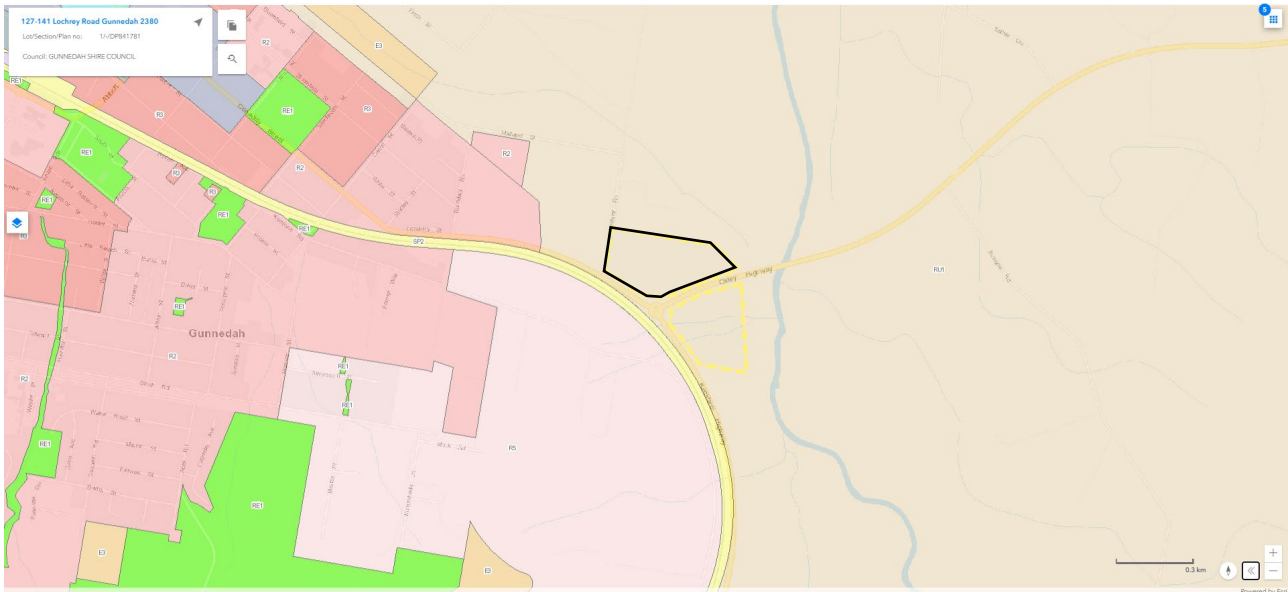


Figure 16 Existing zoning of the subject and surrounding land (Source: NSW Gov, DPIE 2021)

The proposed LEP amendment would support the development proposal for the highway service centre on the portion of the site located to the west of the Oxley Highway. The proposed service centre would provide services for the transient population, supporting the directions of the regional and local strategic plans.

The Planning Proposal has considered the impacts to the rural land within the subject site and environmental values of the subject land as well as surrounding land. It is considered that the proposed amendments would not be inconsistent with the objectives of the RU1 Primary Production zone under the Gunnedah LEP:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.*
- *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.*
- *To conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*

The Planning Proposal would not be inconsistent with the aims of the Gunnedah LEP:

- *To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.*
- *To conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Gunnedah.*

- *To promote the economic well being of the community in a socially and environmentally responsible way, focusing on new employment growth and a diversified economy.*
- *To encourage the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings.*
- *To provide opportunities for a range of new housing and housing choice.*
- *To facilitate the provision and co-ordination of community services and facilities.*
- *To seek the provision of adequate and appropriate infrastructure to meet the needs of future development.*
- *To provide direction and guidance in the management of growth and development.*
- *To conserve the cultural and environmental heritage of Gunnedah.*
- *To allow development in a way that minimises risks due to environmental hazards.*

Although the Planning Proposal would result in a spot change, permitting additional uses that would otherwise be prohibited in the RU1 zone, the proposal is considered reasonable and should be supported because, the proposal would:

- Allow for design options that would avoid or minimise impact on the amenity of neighbouring properties.
- Allow for design options that would avoid or minimise environmental impacts (specifically for biodiversity, Aboriginal heritage, and flood hazards).
- Provide employment opportunities close to residential areas.
- Work towards growth and support of freight networks and opportunities.

Appendix C BUILDING SERVICES INFRASTRUCTURE REPORT

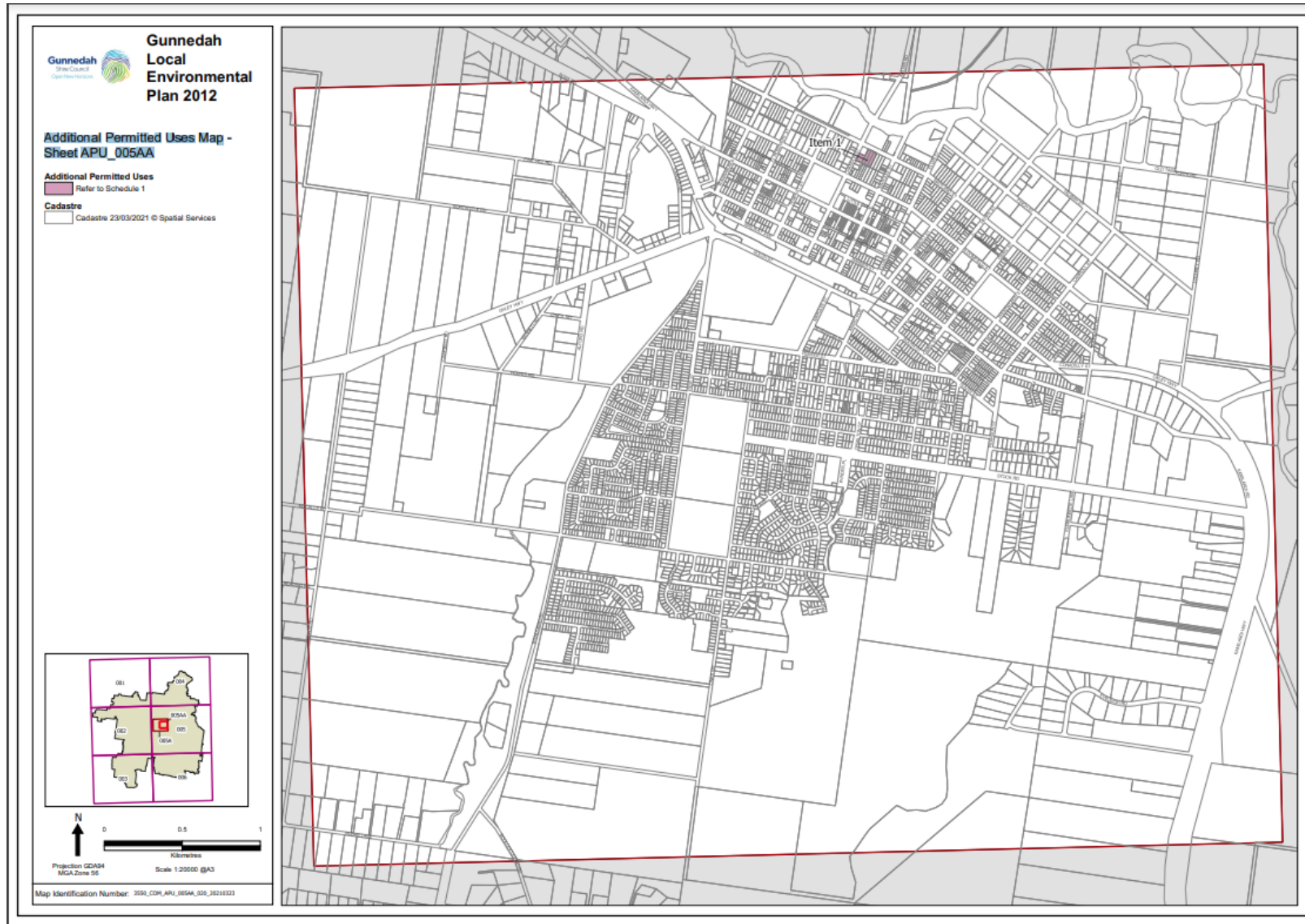
Appendix D LAND SURVEY

Appendix E TRAFFIC IMPACT ASSESSMENT

Appendix F NOISE (ACOUSTIC) REPORT

Appendix G ADDITIONAL PERMITTED USES MAP

G1.1 Existing Map Sheet



G1.2 Proposed Map Sheet

