



IRF24/1517

## Gateway determination report – PP-2024-1212

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Permit a highway service centre as an additional permitted use with consent at 127 -141 Lochrey Road, Gunnedah

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# 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.

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

| Relevant reports and plans  |
|---|
| Planning Proposal Additional Permitted Land Use, 127-141 Lochrey Road, Gunnedah - NGH (May 2024)  |
| Transport and Traffic Assessment - Gunnedah Highway Service Centre 127-141 Lochrey Road, Gunnedah – (Amber Traffic and Transportation Direction (September 2023)                          |
| Acoustic Assessment – Service Centre Gunnedah, NSW – RAPT Consulting (September 2023)   |
| Building Services and Infrastructure Report for Proposed Service Centre & Fast-Food Outlets Oxley & Kamlaroi Highways Gunnedah NSW 2380- Marline Building Services Engineers (3 May 2024) |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | <b>Gunnedah</b>  |
| <b>PPA</b>                      | <b>Gunnedah Shire Council</b>  |
| <b>NAME</b>                     | <b>Permit a highway service centre as an additional permitted use with consent at 127-141 Lochrey Road, Gunnedah</b> |
| <b>NUMBER</b>                   | <b>PP-2024-1212</b>  |
| <b>LEP TO BE AMENDED</b>        | <b>Gunnedah LEP 2012</b>   |
| <b>ADDRESS</b>                  | <b>127-141 Lochrey Road, Gunnedah</b>  |
| <b>DESCRIPTION</b>              | <b>Part of Lot 1 DP 841781</b>   |
| <b>RECEIVED</b>                 | <b>26/06/2024</b>  |
| <b>FILE NO.</b>                 | <b>IRF24/1517</b>  |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>               |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>         |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend Schedule 1 Additional Permitted Uses of the Gunnedah LEP 2012 to permit a highway service centre with consent on part of 127-141 Lochrey Road, Gunnedah.

The objective of this planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Gunnedah LEP 2012 as follows:

- Schedule 1 Additional Permitted Uses to permit a highway service centre with consent on part of Lot 1 DP 841781; and
- Additional Permitted Uses map (APU\_005AA) to include part of Lot 1 DP 841781.

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 proposal applies to part of Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah. The land is split by the Oxley Highway. The planning proposal relates to the part of Lot 1 DP 841781 on the northern side of the highway (Figure 1). The portion of the lot is 8 hectares in area.

The site is situated at the intersection of the Oxley and Kamilaroi Highways on the south-eastern edge of Gunnedah (Figure 2).



Figure 1: Subject Site (Source: NCRP Viewer)

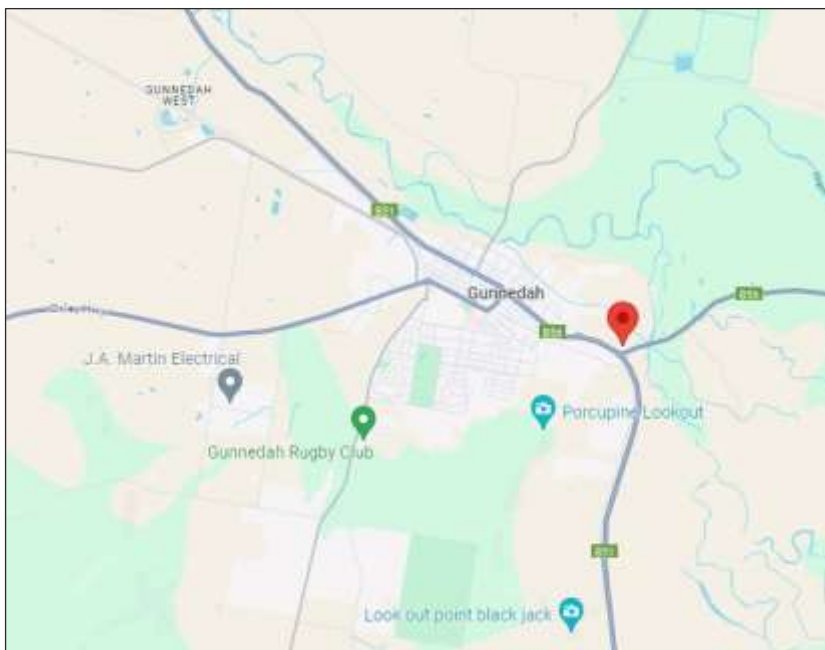


Figure 2 Locality Plan (Source: Google Maps)

The land is zoned RU1 Primary Production (Figure 3) and has historically been used for agriculture. It is mostly clear of trees and there are no buildings present on the site.

The current surrounding land uses include lifestyle and rural residential dwellings to the south and rural land to the east, west and north.



Figure 3 Current zoning map (Source: NCRP Viewer)

## 1.5 Mapping

The planning proposal includes mapping showing the existing and proposed Additional Permitted Uses map, which is suitable for community consultation.



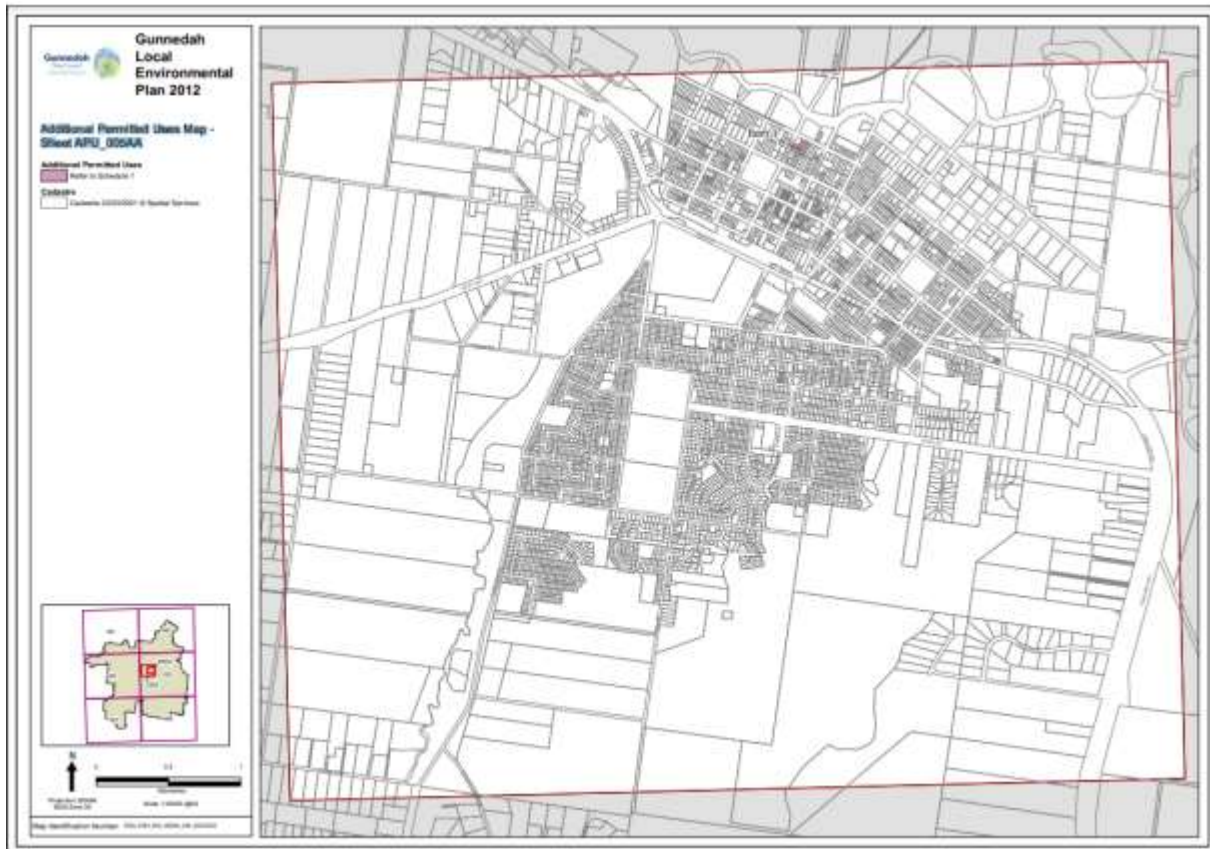


Figure 4 Current additional permitted uses map (Source: planning proposal)

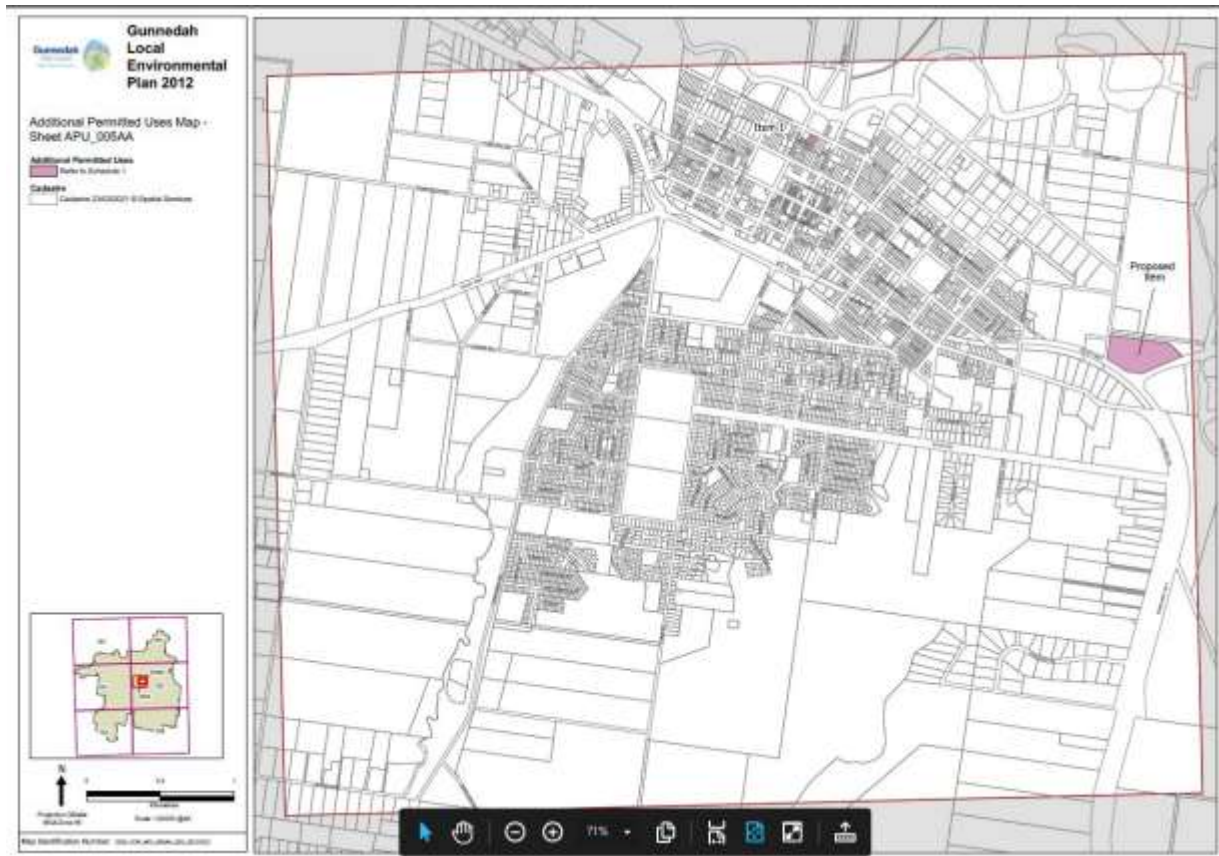


Figure 5: Proposed additional permitted uses map (Source: planning proposal)



## 2 Background

A Gateway determination was issued by the Department on 24 February 2023 to enable Council to proceed with a planning proposal (PP-2022-2855) to amend the Gunnedah LEP 2012 to schedule a highway service centre with an associated caravan park as additional permitted uses on part of Lot 1 DP 841781, 127-141 Lochrey Road, Gunnedah.

A condition of the Gateway determination required Council to update the planning proposal to confirm the caravan park was outside the Probable Maximum Flood (PMF) area, and if not, include details of the suitability of the site in relation to flood hazard level, any likely land filling and potential impacts on other properties, evacuation route, flood warning time and inundation period.

After the deadline to complete the LEP passed and because there was no certainty regarding the timeframe in which this information would be prepared, Council resolved to withdraw the planning proposal.

Further investigation in relation to flooding has been undertaken and an amended proposal prepared. It is noted the new planning proposal (PP-2024 1212) does not seek to permit a caravan park on the land.

## 3 Need for the planning proposal

The proposal is neither the result of a strategy nor a study.

The planning proposal aims to facilitate a highway service centre on the south-eastern edge of Gunnedah. This is not inconsistent with the Council adopted Local Housing Strategy (May 2024) which identifies the land for potential mixed use.

The site is not suited to agricultural land uses due to its small size, division by the Oxley Highway and Council's identification in its Local Housing Strategy that the future likely use of the area will be for mixed urban use. Conversely, the combination of dual highway frontage and proximity to Gunnedah urban area benefits a highway service centre and has the potential to facilitate freight growth opportunities.

The proposed highway service centre will primarily serve the travelling public and is not expected to cause any significant negative commercial pressure on the Gunnedah CBD and is of a scale and type that is more appropriately located outside of existing employment areas with key major road access.

A concept plan has been prepared (Figure 6) illustrating the proposed site layout and associated facilities, showing heavy vehicle parking and refuelling as well as fast food and other dining options. The final development will be subject to a separate development application process.

Highway service centres are currently prohibited by the Gunnedah LEP 2012 in the RU1 zone. An amendment to Schedule 1 Additional Permitted Uses to permit a highway service centre with consent is considered the most appropriate approach as:

- changes to the RU1 Land Use Table to permit a highway service centre may encourage these types of uses in inappropriate areas across the local government area (LGA); and
- rezoning the land for general employment purposes may result in alternate commercial activities that may be more appropriately located within existing business areas.



Figure 6: Concept Plan for HIGHWAY SERVICE CENTRE (Source: Planning Proposal)

## 4 Strategic assessment

### 4.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the New England Northwest (NENW) Regional Plan 2041.

Table 3 Regional Plan assessment

| Regional Plan Objectives  | Justification   |
|---|---|
| Objective 1: Coordinate land use planning for future growth, community need and regional economic development | The planning proposal is not inconsistent with this objective as the site can be adequately serviced and is in close proximity to the Gunnedah urban centre. The concept plan allows for suitable buffering from the future proposed residential area that aligns with the western edge of the development. |

|  |   |
|--|---|
| Objective 2:<br>Protect the viability and integrity of rural land. | The planning proposal is inconsistent with the objective, as the site is zoned RU1, has been used for agriculture in the past and a small area in the north eastern corner is partly identified as biophysical strategic agricultural land (BSAL) under State Environmental Planning Policy (Resources and Energy) 2021. While the inconsistency is considered likely to be of minor significance due to the small area of BSAL involved and the likely future transition of the area to urban purposes, it is considered that this matter should stay unresolved until consultation has been undertaken with Department of Primary Industries (DPI) Agriculture. |
|--|---|



Figure 7: BSAL (Source: Northern Region Map Viewer)

|   |   |
|---|---|
| Objective 5:<br>Enhance the diversity and strength of CBD's and town centres. | The planning proposal is not inconsistent with this objective as by facilitating the development through an additional permitted use, and not rezoning the land to employment, safeguards the Gunnedah town centre leaking other uses.  |
| Objective 6:<br>Co-ordinate the supply of well-located employment land        | The planning proposal is not inconsistent with this objective as the placement of this development is well suited to limit heavy vehicle movement within the CBD while also providing an increase in economic viability through construction and operation of the highway service centre. |

|  |  |
|--|--|
| Objective 8: Adapt to climate change and natural hazards and increase climate resilience | The planning proposal is not inconsistent with this objective as the site is not bushfire prone, possible flood encroachment is limited to the north-eastern corner of the site away from the highway service centre footprint and evacuation during flooding is achievable.   |
| Objective 20: Improve state and regional freight connectivity                            | The planning proposal is consistent with this objective as the highway service centre will enhance the freight transport network by providing areas for freight drivers to rest and refuel between major interstate routes and access to north-south highways including the New England and Newell Highways. Consultation with Transport for NSW is recommended. |
| Local government narrative   | The proposal aligns with the Council priority to continue to development logistics, freight and transport infrastructure to encourage new industry opportunities throughout the region.  |

## 4.2 Local

The proposal is consistent with local strategic direction and objectives, as stated in the table below:

**Table 4 Local strategic planning assessment**

| Local Strategies                          | Justification   |
|---|---|
| Local Strategic Planning Statement (LSPS) | The site of the highway service centre is not expected to impact on the liveability of Gunnedah as it is situated on the outskirts of town. Its position at the intersection of the Oxley and Kamilaroi Highways will likely strengthen freight networks and opportunities. |
| Gunnedah Community Strategic Plan         | The planning proposal promotes new business and investment, supports main transport routes and the size of the land ensures sensitive areas can likely be avoided by appropriate site layout.   |
| Gunnedah Local Housing Strategy 2024      | The strategy identifies the land for future mixed urban use. It is noted that at present the strategy has not yet been approved by the Department.  |

## 4.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with all relevant section 9.1 Directions, except those discussed below:

**Table 5 9.1 Ministerial Direction assessment**

| Directions      | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|-----------------|----------------------------|--|
| 9.2 Rural Lands | Unresolved                 | <p>The proposal is inconsistent with this direction as it will affect land within an existing rural zone and does not support all the direction's requirements, such as supporting farmers in exercising their right to farm.</p> <p>While the inconsistency is considered likely to be of minor significance due to the small area of SAL involved and the likely future transition of the area to urban purposes, it is considered that this Direction should stay unresolved until consultation has been undertaken with DPI Agriculture.</p> |

## 4.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

## 5 Site-specific assessment

### 5.1 Environmental

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



Table 6 Environmental considerations

| Consideration | Comments   |
|---------------|--|
| Biodiversity  | <p>The portion of the site to the north of the Oxley Highway is mapped on the NSW Government's SEED map as non-native vegetation (Figure 8). As such, it is not anticipated the proposal will likely have any negative impacts on threatened species or populations of threatened species or their habitats. It is noted however there is a small area on the eastern edge generally outside the proposed development footprint mapped by Council as containing secondary koala habitat (Figure 9).</p> <p>State Environmental Planning Policy (Biodiversity and Conservation) 2021 will need to be considered by Council at the development application stage. Notwithstanding, it is recommended that consultation be undertaken with Biodiversity and Conservation Services (BCS) to confirm the suitability of the proposal.</p> |

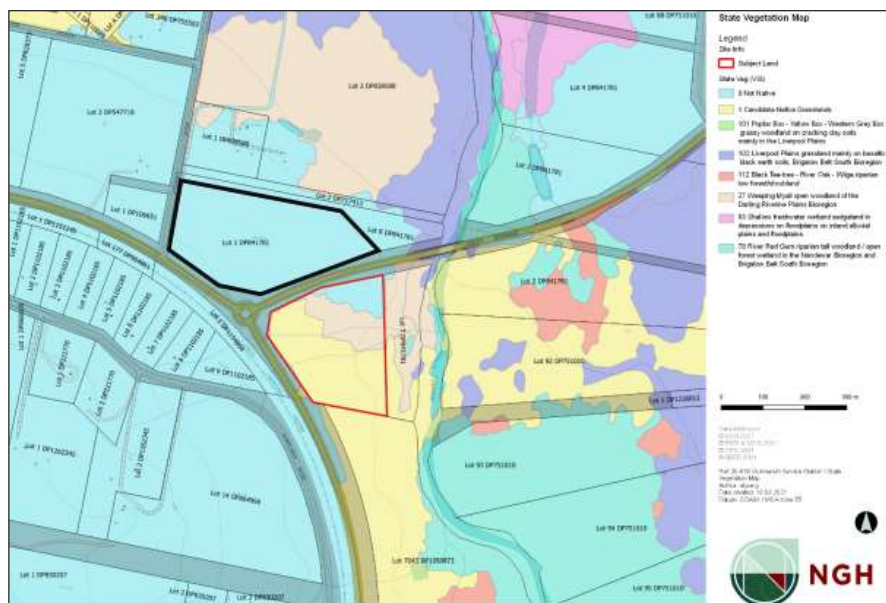


Figure 7: State vegetation type (Source: Planning Proposal)

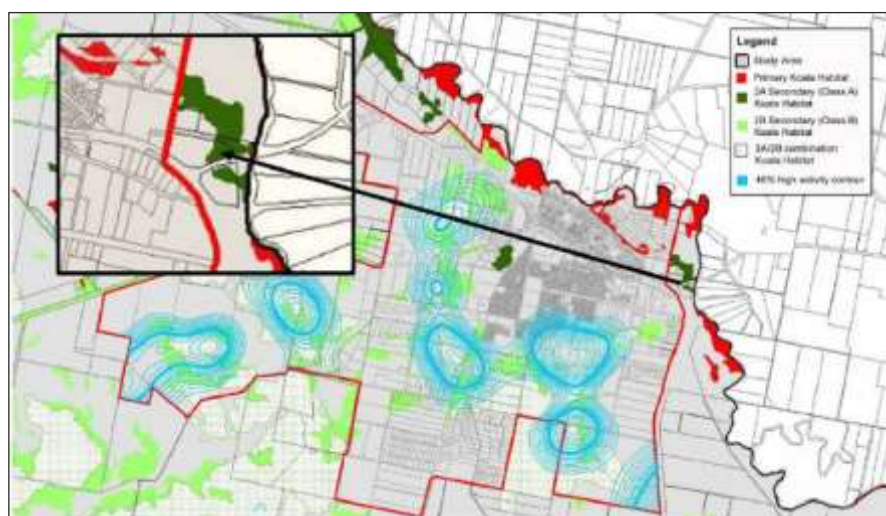


Figure 9: Potential Koala Habitat (Source: Planning Proposal)

## Flooding

The land is subject to flooding (Figure 9) and given the proximity of the proposed highway service centre site to the land mapped as flood planning area, further investigation has been undertaken by the proponent. These investigations confirm:

- the portion of land subject to the 1:100-year flood event does not affect the proposed highway service centre (Figure 110);
- the area of the site affected by the 1:100-year flood is:
  - less than 1% of the development site;
  - located on the downstream side of a bridge and abutments which is a low flow area with little or no velocity and a depth of water a maximum 500mm;
- the evacuation path in the event of flood is located up slope and sited approximately 12.5m above the flood planning level;
- the proposed location for truck refuelling is 7 metres above the 1:100-year flood level; and
- the dedicated car refuelling area and underground fuel storage tanks are 9.5m above the 1:100-year flood level.

It is noted investigations are limited to the 1:100-year flood event and have not included a range of flood events. Consistent with Planning Circular PS 24-001 Update on addressing flood risk in planning decisions that planning decisions should be based on a balanced consideration of the merits, risks and impacts of a given proposal, the sensitivity of the proposed land use, and that appropriate measures are in place to limit impacts to an acceptable level and achieve a tolerable flood risk level for flood-affected proposals. Taking into account these matters, it is considered that the level of assessment undertaken for the proposed highway service centre is proportionate and has adequately taken into account the relative flood risk.


In this regard, the information provided satisfactorily demonstrates that in the event of a 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; and
- damage to infrastructure, such as the displacement of bowzers and underground storage tanks, is unlikely or would cause environmental risk such as polluting waters.



**Figure 10: Flooding Planning Area and Bushfire Prone Land (Source: Planning Proposal)**



| Consideration  | Comments  |
|----------------|---|
| Flooding cont. |  <p><b>Figure 11: Survey Plan Overlay (flood planning level) (Source: Planning Proposal)</b></p>  |
| Noise          | <p>The planning proposal is supported by a Noise Impact Assessment. The noise modelling for the operation shows compliance with noise management levels with the exception of a minor potential exceedance in a worst-case scenario. The proposal notes that</p> <p>It is anticipated that any mitigation measures for the affected land can be adequately addressed at the development application stage of the development.</p> |

## 5.2 Social and economic

The proposal is expected to have both positive economic and social outcomes. The development of the highway service centre will provide employment opportunities during construction and during ongoing operation.


The location of the development and the potential retail/food outlets will not detract from businesses in the CBD. the highway service centre location is also likely to help reduce heavy vehicle movements through the centre of town thereby improving road safety for residents and visitors.

While no heritage or cultural significance have been identified on the land, consultation with the Red Chief Local Aboriginal Land Council is recommended.

## 5.3 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 7 Infrastructure assessment

| Consideration         | Comments  |
|-----------------------|---|
| Water and Sewer       | <p>The planning proposal is accompanied by a Service Infrastructure Report that confirms supporting critical infrastructure can be provided to service the site. With respect to sewer, the report nominates an onsite storage system will be connected via a pumped rising main to Council's reticulated sewerage system.</p> <p>The land is within the Gunnedah Water Servicing Area (Figure 11) and it is intended the development will be connected to Council's existing water infrastructure.</p>  <p><b>Figure 11: Gunnedah Water Servicing Map (Source: Planning Proposal)</b></p> |
| Traffic and transport | <p>The planning proposal is accompanied by a Traffic and Transport Assessment. The assessment found:</p> <ul style="list-style-type: none"> <li>the site access can be designed safely and meet the requirements of the relevant agency;</li> <li>the road network would be capable of accommodating the proposal and expected traffic that would be generated; and</li> <li>the site access would be separated from roads accessing near dwellings.</li> </ul> <p>Consultation with Transport for NSW is recommended due to the location of the proposal being on the corner of two State roads.</p>   |

## 6 Consultation

### 6.1 Community

Council has nominated that the planning proposal will be exhibited in accordance with conditions of the Gateway Determination.

The planning proposal has been categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023) and will need to be publicly available for a minimum of 20 working days.

## 6.2 Agencies

It is recommended that the following agencies be consulted and given 30 days to comment:

- Transport for NSW
- DPI Agriculture
- Department of Climate Change, Energy, the Environment and Water - Biodiversity and Conservation Services
- Red Chief Local Aboriginal Land Council

## 7 Timeframe

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

The Department recommends an LEP completion date of 6 months from the Gateway determination in line with its commitment to reducing processing times and with regard to the benchmark timeframes.

The planning proposal does not presently contain a project timeline. This will need to be included prior to consultation.

Conditions have been included in the Gateway determination to address these matters.

## 8 Local plan-making authority

As the planning proposal relates to local planning matters and it is recommended that Council be authorised as the local plan-making authority for this proposal.

## 9 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- facilitates the permissibility of appropriate uses on the land;
- appropriately situated next to the Oxley and Kamilaroi Highway freight routes; and
- supports visitors and freight transport in the region.

## 10 Recommendation

It is recommended the delegate of the Secretary:

- note that the consistency with section 9.1 Direction 9.2 Rural Lands is unresolved and will require justification.

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

1. Prior to consultation, the planning proposal is to be updated to include a project timeline.
2. Consultation is required with the following public authorities:
  - Transport for NSW

- DPI Agriculture
  - Department of Climate Change, Energy, the Environment and Water Biodiversity and Conservation Services
  - 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. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
  5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



04-07-2024

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

Lucy Walker  
Manager, Local Planning and Council Support  
Hunter and Northern Region



8/7/24

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

Craig Diss  
A/Director, Hunter and Northern Region

Assessment officer

Jenny Johnson  
Planning Officer, Hunter and Northern Region  
6643 6414