



Gateway Application

PLANNING PROPOSAL

Proposed Rezoning in the Rangari, Kelvin, Keepit and Carroll areas of the Gunnedah Shire.

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1. INTRODUCTION

This Gateway Application has been prepared for a group of 19 land holders by Kathryn Yigman, Stewart Surveys Pty Ltd.

The land to which this application applies is listed in section two of this report. It encompasses much of the land zoned E3 in the Rangari, Kelvin, Keepit Dam area and some parts of the Carroll locality. The land is located within the zone E3 Environmental Management and RU1 Primary Production under the Gunnedah Local Environment Plan, 2012 (referred to as GLEP). The land also comes under the provisions of the Gunnedah Development Control Plan 2012 (referred to as the DCP).

The subject area has a long standing history of agricultural land uses including cultivation, improved pastures, quarrying and livestock grazing. In the previous Gunnedah Local Environment Plan, 1998 the area was zoned 1(a) agricultural production, which is equivalent to RU1 Primary production in the current GLEP. The change in zone to E3 Environmental Management in the GLEP 2012 has resulted in a number of restrictions being placed on the use of the land and it does not reflect the current or previous land use in the area. Application is made to revert this area back to the primary production/agricultural production zoning it has historically been.

This gateway application has been prepared in accordance with the document *A guide to preparing planning proposals*, published by the NSW Department of Planning in August 2016 hereby referred to as the guideline.

As outlined in the guideline this application is presented in the following format:

- Part 1 – Objective or intended outcome
- Part 2 – Explanation of the provisions
- Part 3 – Justification
- Part 4 – Maps
- Part 5 – Community Consultation
- Part 6 – Project Timeline

SUBJECT SITE PARTICULARS

This gateway applies to the following lots:

Lot(s) No.	DP	Lot(s)	DP
1	32278	1	654167
2, 3 & 12	114885	72	705059
1	129846	1, 49, 51 & 63	751005
1 & 2	131921	16, 42, 67, 68 & 128	752193
1	190411	108, 109, 112 & 149	754938
1	206938	73, 76, 98, 101, 104 & 105	754946
2	233387	34, 35, 100 & 109	754950
1 & 2	235444	65, 89, 95, 96, 99, 102 & 103	754955
5	254903	122, 166, 192 & 193	754956
B	360280	2	825588
1	360982	1	868844
2	376630	1 & 2	1089276
A	376631	1 - 5 & 12	1098115
1	390814	1	1130616
A	420872	1	1138400
A	438667	1	1145620
11 & 12	611349	1	1167192
1	651798	1	1173869
		4	1204650

List of land holders and property addresses

First Name	Surname	Property Address
David & Anne	Arneman	"Carranya" 299 Johnson Road, Rangari
Anthony & Vivien	Hayne	"Fairlight" 4287 Longarm Road, Rangari
		"Narrawarra" 4387 Longarm Road, Rangari
Barry	Keen	"Westgrove" 3908 Longarm Road, Rangari
Ian	Heywood	"Marathon" 208 Marathon Lane, Rangari Manilla NSW 2346
Matt & Steve	Carter	"Myall Springs" 3484 Rangari Road, Rangari
		"Rangari" 3481 Rangari Road, Rangari
Greg	Ward	"Wongo" 3745 Longarm Road, Rangari
Matthew	Miegel	"Nioka" 4135 Rangari Road, Wean, NSW 2380
Rod	Barnes	"Barock" 3208 Wean Road, Gunnedah
David	Heywood	"Wooroola" 3504 Kelvin Road, Rangari
		"Yamin Park" 534 Bridges Road, Rangari

Glenis	McDonald	"Woodlands" 2629 Rangari Road, Manilla 2346
Glenn	Moore	Pilerine, Pillerine Lane, Rangari
Vaughn & Mariann	Nowland	Thirlmere, 450 Bridges Road, Rangari
Keith	Perrett	"Carellan" 767 Barwicks Road, Kelvin
		"Croydon" 452 Bridges Road, Kelvin
Doug	Snow	"Oonadatta" 90 Patterson Road, Kelvin
Ben	Swain	"Gartmore" 1534 Prairies Road, Kelvin
		"Spring Plain" 988 Prairies Road, Kelvin
Noel	Kennedy	"Tralee" 642 Barwicks Road, Kelvin
Ed	Wall	"Springmount" 149 Ryan Road, Carroll NSW 2380
Chris	Gardner	"Buchlyvie" 1204 Prairies Road, Kelvin
Neville	Swain	"Kilphysic" 715 Kilphysic Road, Carroll NSW 2380
Mark	Tydd	"Womboyne" 235 Bridges Road, Gunnedah NSW 2380
Dave	Amos	"Merrigal" 784 Prairies Road, Kelvin NSW 2380
Robert	Cull	1005 Bulga Road, Gunnedah NSW 2380

Figure 1 illustrates the zoning of the subject site as illustrated in the Gunnedah Local Environment Plan 2012 Map LZN-004. Figure 2 illustrates the zoning of the subject site as illustrated in the GLEP Map LZN-005.

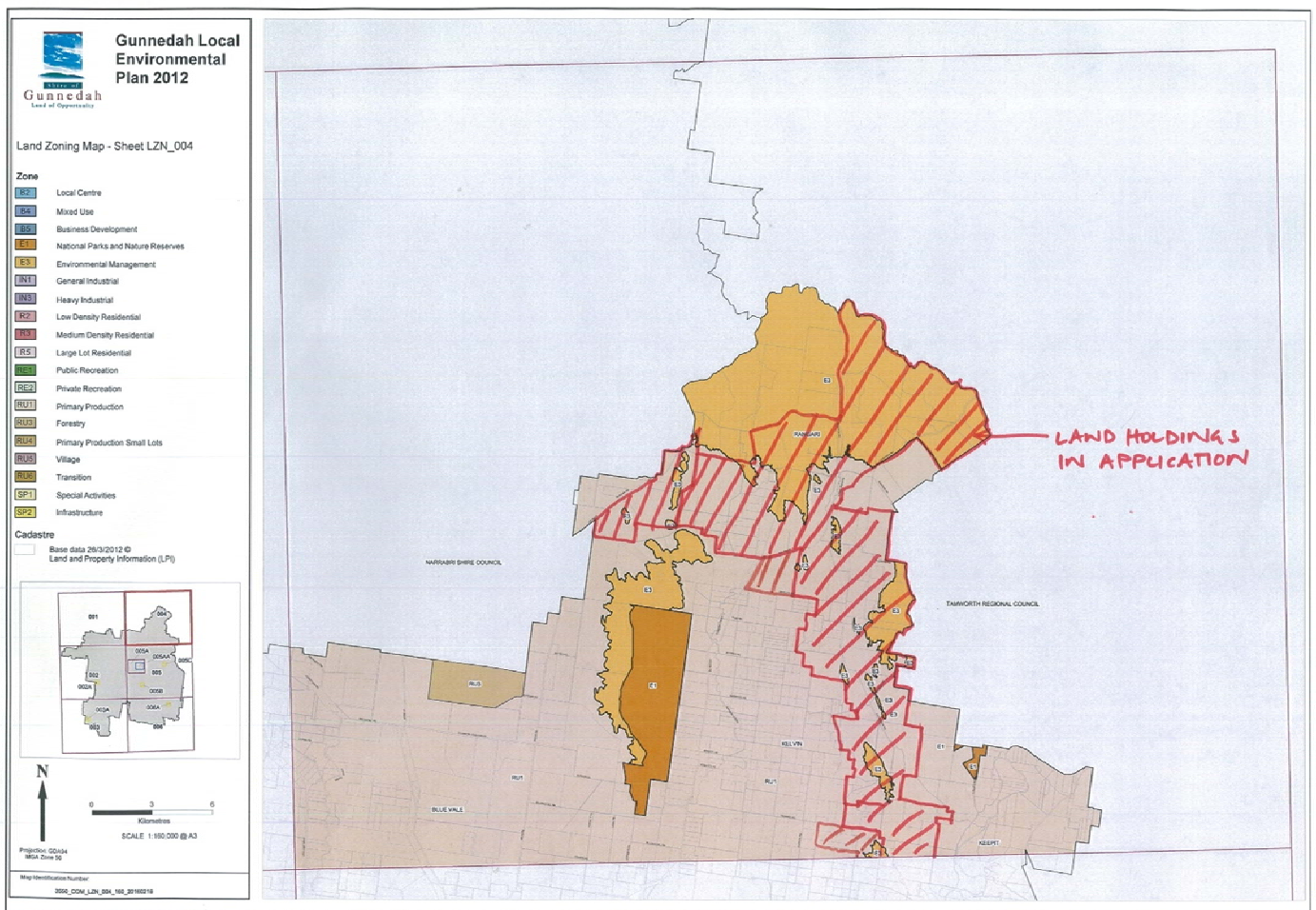


Figure 1 – Zoning Map extract from LZN-004



Figure 2 – Zoning Map extract from LZN-004

PART ONE – STATEMENT OF INTENDED OUTCOME

It is intended to change the E3 Environmental Management zoned land back to RU1 Primary Production. This reflects the current and historic land use and allows a number of agricultural related land uses to occur without detrimental economic, social, amenity or environmental effects on the land.

PART TWO – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the Gunnedah LEP 2012 Land Zoning Map LZN-004 and LZN-005 with the proposed zoning map shown in appendix 7 & 8.

PART THREE – JUSTIFICATION

The land holders feel strongly that the current zoning of E3 Environmental Management is having a significant social and economic impact on their primary production businesses.

This land was zoned 1a Agricultural Production in the Gunnedah Local Environmental Plan, 1998. This zoning is equivalent to the RU1 Primary Production zoning in the 2012 LEP. The previous zone equivalent to E3 is zoned 7(d)

Environmental Protection Scenic Zone. The area of E3 zoned land is significantly greater than the 7d zoned land in 1998. Appendix 11 shows the GLEP 1998 map, and the objectives of each zone are outlined in this report. This planning proposal would essentially be rezoning the land back to the previous zoning equivalent.

In meetings held regarding this application it was advised by Gunnedah Council’s planning staff that any land which was used for agricultural purposes being grazing or cultivation would be considered for rezoning back to RU1 primary production.

The Gunnedah Rural Strategy defines agricultural land uses as including the following uses:

- Sheep and Cattle grazing
- Poultry
- Lucerne
- Grain Crops
- Market Gardens
- Cotton
- Forestry
- Olives
- Orchards
- Forestry
- Horse Studs
- Farm Homestays
- Bed and Breakfast

We consider that all of the land outlined in this application has current and historical agricultural land uses, meeting the definition in the Gunnedah Rural Strategy.

The table below outlines the objectives for the RU1 Primary Production zone alongside the 1998 LEP 1(a) Rural (Agricultural production) zone and the E3 Environmental Management zone objectives alongside the 1998 LEP 7(d) Environmental Protection – Scenic zone.

Gunnedah Local Environment Plan 2012 (CURRENT)	Gunnedah Local Environment Plan 1998 (previous)
Zone RU1 Primary Production	Zone No 1 (a)-Rural (Agricultural Protection) Zone
<p>Objectives of zone</p> <ul style="list-style-type: none"> • 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. 	<p>Objectives of the zone</p> <ul style="list-style-type: none"> (a) to protect the use and efficiency of prime agricultural land while permitting appropriate development subject to suitable subdivision controls, (b) to permit other forms of development which are ancillary to rural land uses or that, as a result of their nature, require siting outside the urban area, (c) to avoid further fragmentation and alienation of useable rural land, (d) to retain the low density nature of settlement within the rural areas and ensure that any future development does not create unreasonable demands on the existing infrastructure or available services, (e) to provide for the requirements of the rural community, (f) to maintain safety and convenience along main roads by discouraging uses that are likely to generate traffic volumes which disrupt traffic flow, (g) to ensure that the existing level of scenic amenity is maintained by requiring development to have regard for significant ridgelines and hilltops.

Zone E3 Environmental Management	Zone No 7 (d)-Environment Protection-Scenic Zone
<p>Objectives of zone</p> <ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. 	<p>Objectives of the zone</p> <p>(a) to protect hill lands, escarpments and river valleys of scenic significance,</p> <p>(b) to ensure the character of these areas by restricting the uses which are allowed and enforcing greater control in regard to building materials, site positioning, height, scale and the provision of access roads and services, and</p> <p>(c) to allow only development which maintains the rural-scenic setting of the area.</p>

This table illustrates that the objectives of zone RU1 are similar to the 1998 1(a) zone and the E3 zone to the 1998 7(d) zone. The E3 Environmental Management zone places a number of restrictions on the use of the land. The following list outlines the land uses which are permitted in the RU1 zone and prohibited in the E3 zone:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Aquaculture, 2. Intensive agriculture – Feedlots and dairies, 3. Intensive plant agriculture – horticulture, turf farming & viticulture, 4. Animal boarding house or training establishment, 5. Farm buildings, 6. Forestry, 7. Dual occupancy attached, 8. Rural workers dwelling, 9. Home-based child care, 10. Home business, 11. Bed and breakfast accommodation, 12. Farm stay accommodation, 13. Camping grounds, 14. Eco-tourist facilities, 15. Cellar door premises, 16. Roadside stall, 17. Function centers, 18. Veterinary hospitals, 19. Agricultural produce industries, 20. Livestock processing industry, 21. Sawmill or log processing industries, 22. Stock and sale yards, 23. Home industry, 24. Boat building and repair facilities 25. Bio solids treatment facility 26. Sewage reticulation system | <ol style="list-style-type: none"> 27. Sewage treatment plant 28. Water recycling facilities 29. Resource recovery facility 30. Waste disposal facilities 31. Waste or resource transfer stations, 32. Water reticulation systems 33. Water storage facilities 34. Water treatment facilities 35. Airport and heliport 36. Airstrips or helipad 37. Electricity generating works 38. Port facilities 39. Correctional centers 40. Boat launching ramps 41. Boat sheds 42. Charter and tourism boating facilities 43. Jetties, 44. Marinas 45. Mooring pens 46. Recreational facilities (indoor) 47. Recreational facilities (major) 48. Recreational facilities (outdoor) 49. Water recreation structures 50. Cemetery 51. Extractive industry 52. Open cut mining |
|---|--|

Appendix 13 is the Gunnedah Local Environment Plan 2012 Land Use Matrix. This outlines the full list of restrictions to land use. As demonstrated by this list the restrictions on the land zoned E3 compared to RU1 are extensive. Generally the landscape characteristics dictate suitable land uses at a site. For example, a feedlot would not be practical on land with steep topography. A statement of environmental effects prepared at the time a development application is lodged would need to satisfy that the environmental impact of the proposed development was acceptable, prior to allowing a particular land use in this area. Therefore, it is unlikely that a proposed land use which was going to have a detrimental environmental impact would be approved. Prior to 2012 the subject properties were zoned 1(a) Rural (agricultural production) and were not subjected to these restrictions. The land holders also feel

strongly that these restrictions have reduced their land values, and would raise a red flag to potential buyers in any sale of their properties.

Another example of the zoning impacting the land values is evident in Anthony Hayne’s Valuer General Statements for properties ‘Narrawarra’ and ‘New Fairlight’ at 3724 Longarm Road and 3822 Longarm Road, Rangari. These adjoining properties each contain a residence and are of similar agricultural character. Narrawarra is listed as zone Environmental Management, area of 1255.308 hectares, Land Value 1/7/2016 \$753,000. New Fairlight is listed as zone Primary Production (It is actually zoned environmental management), area 41.891 hectares, land value 1/7/2016 \$134,000. This equates to \$600 a hectare (\$753,000/1255ha) in the environmental management zone and \$3,198 a hectare (\$134,000/41.891ha) in the primary production zone. The land owner believes that the land value of the environmental zoned land which is more than 5 times less than the value of his neighbouring property, which is of similar character, is a direct reflection of the decreased value placed on land zoned environmental management.

Many of the properties in this application still state zone Primary Production on their rates notices, correction of this could result in reduced valuations for these properties and reduction in council rates collected. This will impact the entire shire through a reduction in annual income for the council.

Is the planning proposal a result of any strategic study or report?

The Gunnedah Shire land zoning is based on the recommendations of the Gunnedah Rural Strategy, prepared by EDGE Land Planning in March 2007. The addendum to the rural strategy outlines in the justification for the environmental management zone that it is:

“to protect the integrity and natural values and features of the total landscape, the strategy identified an area around Blackjack Mountain as being a scenic landscape that requires protection via the use an environmental management zoning. Council believes that as a natural extension to this the protection of all significant hillscares in the shire must be considered. “

The methodology adopted in this Rural Strategy for defining the Environmental Management Zone boundary is the 450m contour.

We believe that the application of the 450 meter contour line as defining the environmental management zoned land is not in keeping with the original objective of this zone in the Rural Strategy and the strategy should be modified. It is understood the intent of applying this zone was to maintain significant hillscares which provide scenic amenity and natural values throughout the shire in areas where agricultural activities are not carried out.

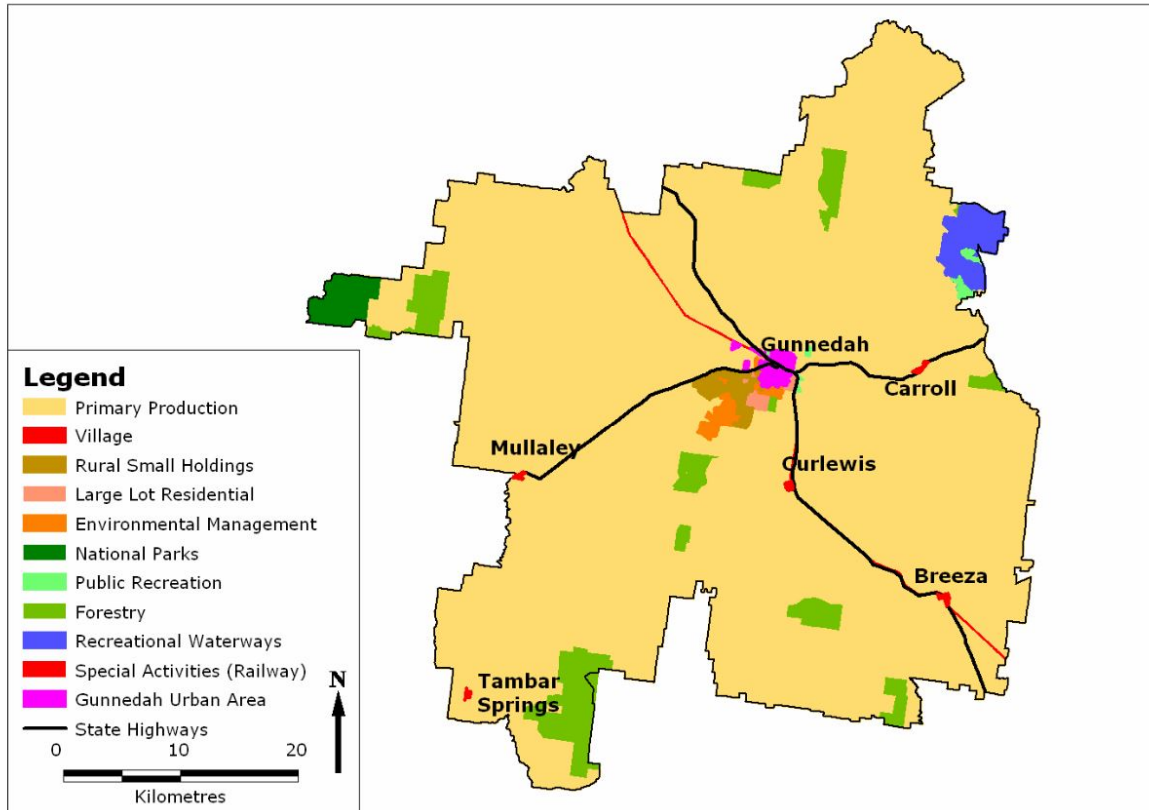
The addendum to the Gunnedah Shire Rural Strategy, prepared by EDGE Land Planning in 2008 states the following E3 zoning justification *“by applying this environmental management zone, Council will ensure that existing agricultural activities are not affected, yet recognise the importance of the landscape and have a mechanism to maintain its integrity”*

This statement is contradicted by findings outlined in the report. The land use strategy includes a land use survey to give an understanding of land use patterns with the rural areas. Map 2.7 Rural Land Use, maps the majority of the land in this application as having extensive agriculture as the land use, with some small areas of native vegetation. Map 4.9 on the Blue Vale – Rangari – Orange Grove area categorizes extensive agriculture as the major land use in the subject site area.

The general comments in the report on this area are:

- Mostly extensive agriculture, with Lake Keepit most of the public uses and some intensive plants.
- Holdings mostly less than 400 ha
- Flat land in the west, south and north. Some steep land in the north and east.

Map 7.3 Land Use Designations (rural strategy 2007) maps this area as Primary production:



Map 7.3: Land Use Designations

These land uses have not been reflected in the subsequent zoning under the GLEP, 2012.

The Gunnedah Rural Strategy has recommended that the E3 environmental management zoning be used to maintain the natural integrity and scenic amenity of heavily vegetated hillsides such as Blackjack Hill. In the Kelvin/Rangari area the dominant vegetation hillslope is Kelvin State Forest. The area in the north and northwest of the shire which is zoned Environmental Management is undulating country generally with scattered woodland vegetation. These areas have a long standing agricultural/primary production land use, which has now been compromised simply because the land is located above the 450 meter contour line. Further council has confirmed that the consultant who prepared the rural strategy did not ground truth the areas to be zoned E3 as it was too large a task over the whole shire.

We request Gunnedah Shire Council revise the Gunnedah Rural Strategy to better reflect the defining factor between Primary Production and Environmental Management zoning in accordance with the land uses and objectives of this zoning.

Appendix 14 shows a number of photos and aerial photos which demonstrate the character, topography and tree cover within the subject area. These images demonstrate that in many cases the character of the landscape does not vary to the adjoining RU1 primary production zoned land. This further strengthens the case that insufficient ground-truthing was undertaken in the delineation of zones RU1 and E3 and that the 450 meter contour line is not an appropriate delineating factor.

Adjoining Council zoning

The subject site is on the northern and eastern shire boundary. We have reviewed how our neighbouring instruments zone the adjoining country. We have provided three examples in adjoining councils. Note: E1 zoning is National Parks and Nature Reserves.

Example 1: Tamworth Regional Local Environmental Plan 2010 refer appendix 15.

We have attached land zoning map sheet LZN_001 which joins the land immediately north and east of the Rangari area. This map extends approximately 40 kilometres to the north and 30 kilometres to the east. There is no E3 Environmental Management zoned land on this map. It is noted that most of the country to the north and about half to the east is over the 450 metre contour. When comparing the aerial photograph (appendix 9), the Gunnedah Shire area appears to have similar qualities to the adjoining in Tamworth Regional Shire, which is zoned RU1.

Example 2: Narrabri Local Environmental Plan 2012 refer appendix 16.

The Narrabri Local Environmental Plan 2012 zoning map sheet LZN_004, joins the land immediately west of the Rangari area. This map extends approximately 50 kilometres west of the Gunnedah shire boundary. There is also no E3 zoned land shown on this map. The aerial photo (appendix 9), shows very similar land qualities and a large area which appears more undulated, with heavy tree cover when compared to the land in the Gunnedah Shire. The Land in Narrabri Shire is zoned RU1 Primary Production.

Example 3: Warrumbungle Local Environmental Plan 2013 refer appendix 17 & 18

We have attached the land zoning map to the west of the Gunnedah Shire boundary in Warrumbungle shire, LEP land zoning map sheet LZN_007. While this area does not join the Rangari area, it is an area where there are vast areas of dense vegetation and steep topography over the 450 meter contour elevation. This includes Bulga Mountain at 780m AHD, Goorindi Mountain 610m AHD, Billies Hills 630m AHD, Pinnacle Mountain 460m AHD, Mount Nombi 710m AHD, Mount Talbareeya 720m AHD, Mount Baloola 620m AHD and others. Appendix 18 is the aerial photo over this map area. This map also contains no area of E3 Environmental Management zoning.

These three examples have led the land holders within Gunnedah shire to question why the restrictive E3 Environmental Management zoning has been placed over their land, when neighbouring shires, which exhibit similar land characteristics as their properties, are zoned RU1 Primary Production. This zoning to E3 is also not similar to the historic zoning of this area, which has always been agricultural and many land holders were not immediately aware of the changes made in the 2012 LEP.

Based on the above justification we summarise as follows:

- The RU1/E3 zone boundaries were delineated by the 450m contour line with little or no ground-truthing.
- Objectives of E3 zone (outlined in the Rural Strategy) do not meet current or previous land uses.
- Current and past land uses are agricultural production.
- Site characteristics and topography do not match the intent of the E3 Environmental management zone, to protect significant hillsclapes, as outlined in the rural strategy.
- Current zoning is restricting land holders from conducting their agricultural businesses
- Current zoning is reducing land values
- Current zoning does not reflect zoning of adjoining land in other shires.

We request council consider rezoning the land in this application to RU1 Primary Production to reflect the current and historic land uses in this area and revert back to the previous (GLEP 1998) equivalent zoning for their properties.

SECTION A – NEED FOR PLANNING PROPOSAL

Section A of the Guideline outlines the need for the planning proposal criteria.

This planning proposal does not form part of any strategic report or study. It is believed that this proposal is the best means for achieving the intended outcome of reverting the land currently and historically used for primary

production purposes back to primary production zoning. The planning proposal is the legal method of amending the Gunnedah Local Environment Plan 2012 to rezone this land.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Section B of the guideline requires a review of the proposal to any regional or sub-regional strategies. Gunnedah Shire Council is subject to the regional strategy; *draft New England North West Regional Plan*. This plan has five goals/key directions for this region:

- A growing and diversifying agricultural sector
- A diversified economy through the management of mineral and energy resources including renewable energy generation.
- Communities resilient to change, with housing choice and services that meet shifting needs and lifestyles
- Prosperous urban centers with job opportunities
- Protected water, environment and heritage

The first goal of a growing and diversifying agricultural section directly relates to the proposed rezoning. The draft plan outlines the following objectives under the direction to grow and diversify the agricultural section:

- Promotes the growth of broad acre agriculture and grazing by improving the efficiency of the freight networks and applying appropriate controls to support these industries;
- Promote opportunities to expand intensive agriculture and food processing by identifying emerging opportunities and streamlining approval processes;
- Protect agricultural land by limiting land fragmentation and development on important agricultural lands; and
- Promotes the future development of freight and logistics precincts and identifies opportunities to provide greater access for high productivity vehicles.

The rezoning outlined in this planning proposal will meet the key agricultural objective of the New England North West Regional Plan by allowing existing agricultural operations, permissible land uses which enable improved efficiencies and intensive agriculture, while not fragmenting land or reducing protection of the environment and water resources. This planning proposal is aligned with the New England North West Regional Plan.

Gunnedah Shire Council has developed the *Gunnedah Community Strategic Plan 2013-23*, as the co-ordinating plan that sets out the vision, direction and framework for the Gunnedah Shire into the future. Under this plan is the Gunnedah Economic Development Strategy. This report outlines the actions required to improve the productivity, quality, profitability and sustainability of Australia’s agriculture. The strategy outlines the existing nature of the agricultural industry in the Gunnedah shire, trends and strategic considerations. It is believed that the rezoning of these lands back to primary production will allow farmers greater opportunity to manage and possibly expand their agricultural operations and potentially improve profitability.

The guideline requires a review of relevant State Environmental Planning Policies (SEPP) for compatibility with the planning proposal. The table below reviews the compliance of the planning proposal with each SEPP.

State Environmental Planning Policy (SEPP)	Applicable	Consistency	Comment
SEPP 1 – Development Standards	No	N/a	Does not apply to Gunnedah Shire Council
SEPP 4 – Development without consent and miscellaneous exempt and complying	Yes	N/a	

development			
SEPP 6 - Number of Storeys in a building	Yes	Compliant	Planning proposal does not affect the number of storeys for future buildings.
SEPP (Rural lands) 2008	-	Compliant	The rezoning of these properties will not prevent compliance with this SEPP
SEPP 14 – Coastal Wetlands	-	N/a	
SEPP 19 – Bushland in Urban Areas	-	N/a	This application does not apply to an urban area.
SEPP 21 – Caravan Parks	-	N/a	Caravan Parks are prohibited in zone RU1 of the Gunnedah LEP
SEPP 26 – Littoral Rainforest	-	N/a	
SEPP 30 – Intensive Agriculture	Yes	Compliant	The rezoning does not prevent compliance with this SEPP at any of the subject properties.
SEPP 33 Hazardous and Offensive Development	-	N/a	Does not apply to the site. Land uses are not considered to meet the definition of potentially hazardous or offensive industry.
SEPP 36 – Manufactured Home Estates	Yes	N/a	Manufactured home estates are not permitted in primary production or environmental management zoning of the Gunnedah LEP
SEPP 44 – Koala Habitat Protection	Yes	Compliant	SEPP 44 does apply to the subject site and the rezoning of this land does not affect any future development application complying with SEPP 44.
SEPP 50 - Canal Estate Development	-	N/a	Not applicable to Gunnedah Shire
SEPP 52 Farm Dams and other works in land and water management plan areas	-	N/a	No irrigation areas and districts in this area listed.
SEPP 55 – Remediation of Land	Yes	Compliant	Refer explanation below. There are no known or publically listed cases of contamination on the subject properties.
SEPP 62 - Sustainable Aquaculture	Yes	Compliant	The rezoning does not impact consistency of any aquaculture development aligned with this policy.
SEPP 64 – Advertising and signage	Yes	Compliant	There is no advertising signage proposed as part of this planning proposal.
SEPP 65 – Design Quality of Residential Flat Development	-	N/a	Residential apartments are prohibited in RU1 and E3 zones of the Gunnedah LEP
SEPP 71 – Coastal Protection	-	N/a	

SEPP 55 – Remediation of Land

This policy requires the consideration of contamination and remediation in any rezoning proposal. A search of the List of NSW Contaminated Sites Notified to the NSW OEH as at 22nd February 2017 in the Gunnedah Shire did not uncover any listings on or in close proximity to the site. The search results are shown in table 1:

Table 1 NSW EPA Record of Notices in the Gunnedah Shire Council LGA

Suburb	Address	Site Name	Notices related to this site
Gunnedah	349 Conadilly Street	BP - Gunnedah	3 current
Gunnedah	61 Railway Avenue	Former Caltex Fuel Depot	3 former
Gunnedah	Henry Street and Conadilly Street	Henry/Conadilly Streets - Gunnedah	3 current
Gunnedah	341-347 Conadilly Street	Mobil - Gunnedah	3 current

These sites are all located within the Gunnedah CBD, not in close proximity to the subject properties.

No detailed contamination studies have been carried out as part of this report. The historical and current land uses at the subject properties is agricultural.

There are no cases of contamination known to the author at any of the properties and land owners have been asked to notify the author of this report of any cases of land contamination or potential land contamination.

The guidelines require a review of the ministerial directions issued by the Minister of Planning under the Environmental Planning and Assessment Act 1979 section 117(2) for compatibility. The table below reviews these directions and their application to this planning proposal.

1. Employment and Resources

Direction	Applicable	Consistency	Comment
1.1 Business and Industrial Zones	No	N/a	
1.2 Rural Zones	No	N/a	Does not apply to Gunnedah Shire
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The proposed rezoning will not allow the potential for development of resources, nor be incompatible with the mining, petroleum production and extractive industries, which are prohibited in the E3 zone.
1.4 Oyster Aquaculture	No	N/a	Not applicable to Gunnedah Shire
1.5 Rural Lands	Yes	Yes	The objectives of this direction are to protect the agricultural production value of the rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. The proposed rezoning will protect and enhance the long standing agricultural value of this land.

2. Environment and Heritage

Direction	Applicable	Consistency	Comment
2.1 Environmental	Yes	Compliant	The site is currently zoned environmental

protection zones			management on the basis it is located above the 450m contour line. The objective of this direction is to protect and conserve environmentally sensitive area. The subject properties are similar in character to other adjoining agricultural land and it is not considered that these properties are environmentally sensitive areas based on their long history of agricultural use.
2.2 Coastal Protection	No	N/a	This direction does not apply to Gunnedah Shire
2.3 Heritage Conservation	Yes	Compliant	There are not items of local heritage shown in the GLEP on the subject properties. A search of Aboriginal Heritage located on or within 50m of the all the properties has been conducted. There is one item of aboriginal heritage on or near the property “Kilphysic” (Lot 63 in DP 751005). This property is located east of Carroll and includes Drumers Hill. The rezoning of the property from E3 to RU1 is not likely to impact this item of aboriginal heritage significance as the proposal does not involve any site works. The full AHIMS search results are appended to this report.
2.4 Recreational Vehicle Areas	No	N/a	There is no recreational vehicle areas proposed.

3. Housing, Infrastructure and Urban Development

Direction	Applicable	Consistency	Comment
3.1 Residential Zones	No	N/a	The proposed rezoning is not in a residential area
3.2 Caravan Parks and Manufactured Estates	No	N/a	Caravan Parks are prohibited in RU1 and E3 Zoning.
3.3 Home Occupations	Yes	Yes	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses. The proposed rezoning will not reduce capacity for such home occupations.
3.4 Integrated land use and Transport	No	N/a	There are no proposed roads or urban infrastructure as part of this application
3.5 Development near licenced Aerodromes	No	N/a	The proposed development is not located near a licenced Aerodrome
3.6 Shooting Range	Yes	Yes	The Nioka Shooting range is located within the proposed rezoning area. The title details for this property are Lot 1 in DP 206937 & Lot 1 in DP 32278. The proposed rezoning is not expected to affect public safety at the site or raise any conflicts with surrounding zoning. The

			Nioka shooting range is wholly located within property boundaries and meets industry regulation guidelines. This is a long standing fire range and the nature of the surrounding land uses being primarily agricultural does not present any potential conflicts.
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4. Hazard and Risk

Direction	Applicable	Consistency	Comment
4.1 Acid Sulfate Soils	No	N/a	There are no acid sulphate soils identified in the Gunnedah Shire
4.2 Mine subsidence and unstable land	No	N/a	The subject area is not located in a mine subsidence district
4.3 Flood Prone Land	No	N/a	The subject properties are not identified as flood prone land in the Gunnedah Local Environment Plan 2012
4.4 Planning for bushfire protection	Yes	Yes	Part of the subject site is not mapped as bushfire prone land in the Gunnedah shire. The proposed rezoning has given consideration to the objectives of this direction and it is believed that the proposed rezoning to primary production is not an incompatible land use for bush fire prone lands.

5. Regional Planning

Direction	Applicable	Consistency	Comment
5.1 Implementation of Regional strategies	No	N/a	Does not apply to Gunnedah Shire
5.2 Sydney Drinking Water Catchment	No	N/a	Does not apply to Gunnedah Shire
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/a	Does not apply to Gunnedah Shire
5.4 Commercial and Retail development along the Pacific Highway, North Coast	No	N/a	Does not apply to Gunnedah Shire
5.8 Second Sydney Airport – Badgerys Creek	No	N/a	Does not apply to Gunnedah Shire
5.9 North West Rail Link Corridor Strategy	No	N/a	Does not apply to Gunnedah Shire
5.10 Implementation of Regional Plans	No	N/a	The proposed rezoning is considered to be consistent with the objectives of the draft New England North West Regional Plan.

6. Local Plan Making

Direction	Applicable	Consistency	Comment
6.1 Approval and Referral Requirements	Yes	Compliant	The proposed rezoning would comply with the GLEP RU1 objectives, prohibited and permissible land use.
6.2 Reserving Land for Public Purposes	No	N/a	This rezoning proposal does not apply to any land reserved for public purposes.
6.3 Site Specific Provision	Yes	Compliant	The proposed rezoning does not include any site specific planning controls.

7. Metropolitan Planning

Direction	Applicable	Consistency	Comment
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	N/a	Does not apply to Gunnedah Shire

SECTION C – ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACT

Section C of the guideline requires a review of any environmental, social and economic impacts of the planning proposal. This section reviews applicable impacts of the proposed development.

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

An assessment of any critical habitat or threatened species, populations or ecological communities has not been carried out as part of this proposed.

The proposed rezoning is to reflect the current and historical land use of the site which is primary production agriculture. It is not intended that as a result of this rezoning any land use will change at the subject properties, and therefore there is not expected to be any effects on any critical habitat or threatened species, populations or ecological communities or their habitats. Any future development will require a statement of environmental effects, in which the impacts of the proposed development is assessed.

Therefore, it is concluded that as there is no change in land use proposed as part of this application that there is not likely to be any adverse impacts on any critical habitat or threatened species, populations or ecological communities or their habitats as a result of this rezoning.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As outlined above there are no proposed changes in land use as a result of this rezoning, therefore there are not expected to be any additional environmental effects. Any future development’s environmental effects will still be assessed at the time of development application, and other state legislation to protect the environment including the Native Vegetation Act will protect environmental qualities of the subject properties.

Cultural Heritage

There are no known items of European heritage significance mapped in the Gunnedah LEP on the subject properties.

A search of the Office of Heritage and Environment Aboriginal Heritage Information Management System (AHIMS) for a 50 metre buffer around all the lots in this proposal has been conducted. The full results of these searches are in appendix 19. There is one item of aboriginal heritage on or near the property “Kilphysic” (Lot 63 in DP 751005). The item of aboriginal heritage is a modified tree (scarred), located in open country near the Tamworth Gunnedah 132kv transmission line which crosses the property. The location of this item is zone 56 263750 easting and 6564350 northing. This property is located east of Carroll and includes Drumers Hill. The rezoning of the property from E3 to RU1 is not likely to impact this item of aboriginal heritage significance as the proposal does not involve any site works.

SECTION D - STATE AND COMMONWEALTH INTEREST

Is there adequate public infrastructure for the planning proposal?

The guideline states that this question typically applies to planning proposals which will result in 150 or more additional residential lots, substantial urban renewal, infill development or development that will result in additional demand of infrastructure.

The proposed planning proposal will not result in potential for any additional lots, other than those already permissible in the current zoning. The rezoning will result in some development opportunity which could impact on public infrastructure such as roads, which is currently not permissible in the area. Given that the agricultural land uses were permissible in the 1998 LEP prior to the land being rezoned from 1(a) agricultural production to E3 Environmental Management, it is not expected that any extra demand on public infrastructure generated from this proposed will be significant. Further the agricultural development permissible in zone RU1, which is not permissible in zone E3, requires development consent. During this process the adequacy of public infrastructure is assessed to see if it is satisfactory for the type of development consent being sought. There is not considered to be any shortfalls in infrastructure nor significant demands on public utilities associated with this rezoning proposal.

State and commonwealth authorities' consultation

There has not been any State or Commonwealth Government authority consultation as part of this gateway application and we do not believe there are any agency interests which require consultation.

PART FOUR – MAPPING

Below is a table outlining the maps appended to this report. The key maps are:

Appendix 1 and 2, which show the current extent of E3 zoning in the subject site area and maps 7 & 8, which show the proposed extent of E3 zoned land (subject to approval of this planning proposal).

Gateway Application Maps

Appendix 1 & 2: Current E3 Zoning Map LZN_004 & Map LZN_005

Appendix 3 & 4: Land Zoned E3 which forms part of this planning proposal LZN_004 & LZN_005

Appendix 5 & 6: E3 Land proposed to be rezoned to RU1 Primary Production LZN_004 & LZN_005

Appendix 7 & 8: Proposed Extent of E3 zoned land LZN_004 & LZN_005

Appendix 9 & 10: Aerial Photo of the Gunnedah LEP LZN_004 & LEP LZN_005.

Supporting Documents

Appendix 11: Gunnedah Local Environment Plan, 1998 Map 1 of 4

Appendix 12: List of Land Holders Involved in the E3 Rezoning Land Group

Appendix 13: Gunnedah Local Environment Plan 2012 Land Use Matrix (DoP Version 3.0)

Appendix 14: Photos

Appendix 15: Tamworth Regional Local Environmental Plan 2010 sheet LZN_001

Appendix 16: Narrabri Local Environment Plan 2012 LZN 004

Appendix 17: Warrumbungle Local Environment Plan 2013 LZN_007

Appendix 18: Aerial Photo of Warrumbungle LEP LZN_007 area.

Appendix 19: Aboriginal Heritage Information Management System search results.

PART FIVE – COMMUNITY CONSULTATION

The guideline states that the planning proposal should outline the proposed community consultation to be undertaken following gateway determination. This consultation must be aligned with the NSW Department of Planning Guide to Prepare a Local Environment Plan (hereby referred to as LEP Guide).

The LEP guide defines a low impact proposal as a planning proposal that in the opinion of the person making the gateway determination is:

- Consistent with the patterns of surrounding land use zones and/or land uses
- Consistent with the strategic planning framework
- Presents no issues with regard to infrastructure servicing
- Not a principal LEP
- Does not reclassify public land.

Low impact proposal require exhibition for 14 days. All other planning proposal (including any proposal to reclassify land) require exhibition for 28 days.

It is the opinion of the author of this application that this gateway application meets these requirements and should be considered a low impact proposal.

Community consultation for low impact proposals is undertaken for 14 days in the following manner as outlined in the LEP guide:

- Notification in the local newspaper
- Notification on the website of the RPA
- Notification in writing to affected and adjoining landholders, unless the planning authority is of the opinion that the number of land holders make it impractical to notify them.

PART SIX – PROJECT TIMELINE

The project timeframe will be based on the date of gateway determination by the department and time frame for Gunnedah Shire Council to make the amendments to the Gunnedah Local Environment Plan. As these processes are removed from our control it is not possible for us to determine a project timeline.

CONCLUSION

This gateway proposal will change the zoning of a number of properties in the Rangari, Kelvin, Keepit Dam and Carroll areas of Gunnedah Shire from E3 Environmental Management to RU1 Primary Production. This rezoning will reflect the current and historical agricultural land use of these properties, which do not exhibit the qualities outlined in the rural strategy of the E3 Environmental Management zone. The proposed development meets the requirements of the ministerial directions and both local and regional planning provisions allowing growth and diversification of the agricultural section.

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