



Addendum to Gunnedah Shire Rural Strategy



Gunnedah Shire Council



NSW GOVERNMENT
Department of Planning

Prepared for Gunnedah Shire Council by



120 Bridge Street
PO Box 3104
WEST TAMWORTH NSW 2340
www.sixhillsgroup.com.au

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TABLE OF CONTENTS

1	INTRODUCTION.....	5
1.1	AIM AND OBJECTIVE.....	5
1.2	STUDY OVERVIEW	5
2	CURLEWIS ENVIRONS.....	6
2.1	INTRODUCTION	6
3	STATUTORY PLANNING CONTEXT.....	9
3.1	INTRODUCTION	9
3.2	STATE AND REGIONAL PLANS AND POLICIES.....	9
3.2.1	Section 117 Directions	9
3.2.2	State Environmental Planning Policy No. 44 – Koala Habitat.....	16
3.2.3	State Environmental Planning Policy No. 55 – Remediation of Land	16
3.2.4	State Environmental Planning Policy (Infrastructure) 2007	16
3.2.5	State Environmental Planning Policy (Rural Lands) 2008.....	16
3.2.6	Regional Environmental Plans (Deemed State Environmental Planning Policies).....	17
3.2.7	NSW State Plan 2021 (September 2011)	17
3.2.8	New England North West Regional Action Plan (December 2012)	17
3.2.9	New England North West Strategic Regional Land Use Plan (2012).....	18
3.3	LOCAL PLANS AND POLICIES	18
3.3.1	Gunnedah Local Environmental Plan 2012	18
3.3.2	Gunnedah Development Control Plan 2012.....	19
4	DEVELOPMENT IN THE REGION	20
4.1	POTENTIAL HOUSING IMPACTS	22
4.2	EXISTING AND EXPECTED POPULATION CHARACTERISTICS – CURLEWIS AND GUNNEDAH LGA	23
5	CURLEWIS.....	28
5.1	EXISTING DEVELOPMENT PATTERN.....	28
5.2	EXISTING DEVELOPMENT POTENTIAL.....	29
5.3	FUTURE STRATEGIC DIRECTION.....	30
5.3.1	Small Rural Allotments (Curlewis Environs) – Stage 1.....	30
5.3.2	RU1 Coal Lease Land & RE1 Public Recreation Zoned Land – Stage 2.....	34
6	CONCLUSION.....	34

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

TABLES

Table 1 - Estimated population increase	21
Table 2 - Likely final residential location at peak operational workforce	21
Table 3 - Additional dwellings required by location at Year 1 and Year 21 (Scenario 1)	22
Table 4 - Additional dwellings required by location at Year 1 and Year 21 (Scenario 2)	22
Table 5 - Additional dwellings required by location at Year 1 and Year 21 (Scenario 3)	22
Table 6 - Population and Data for Curlewis and Gunnedah LGA	23
Table 7 - Time Series Profile, Curlewis.....	24
Table 8 - Time Series Profile, Gunnedah LGA	24
Table 9 - Population Estimates and Growth Forecasts Gunnedah LGA 2011 – 2031	25
Table 10 - Total Projected Change	25

FIGURES

Figure 1 - The Study Area	7
Figure 2 - Aerial Image of the Study Area	8
Figure 3 - Extent of Bushfire Prone Land.....	14
Figure 4 - Map of Shenhua Watermark Mine	20
Figure 5 - Age by Distribution, Curlewis 2011	26
Figure 6 - Employment by Industry, Curlewis 2011	27
Figure 7 - Employment by Industry, Gunnedah 2011	27
Figure 8 - Extract from Gunnedah Local Environmental Plan 2012 - Land Zoning Map.....	28
Figure 9 - Extract from Gunnedah Local Environmental Plan 2012 - Minimum Lot Size Map....	29
Figure 10 - Proposed Dwelling Opportunity Map	32

APPENDICES

APPENDIX A:	PROPOSED LAND ZONING
APPENDIX B:	PROPOSED MINIMUM LOT SIZE

1 INTRODUCTION

1.1 Aim and Objective

The Gunnedah Rural Strategy prepared by EDGE Land Planning was adopted in 2007 and an addendum was subsequently prepared and adopted by Gunnedah Shire Council in 2008 (hereafter referred to as the ‘Rural Strategy’). This document forms an addendum to the Rural Strategy and provides strategic analysis of the rural area surrounding Curlewis as well as land zoned RE1 Public Recreation adjacent to the residential area of the village (‘the subject land’).

The primary objective of this strategic analysis is to provide direction for the subject land, and subsequently a plan to manage the future growth of Curlewis. The Strategy is to assist in coordinating future development activities by identifying an orderly and efficient supply of lands in an environmentally acceptable way. In this regard, justification for potential amendments to land zoning and minimum lot size, pursuant to the *Gunnedah Local Environmental Plan (LEP) 2012*, is detailed within this document in order to facilitate the preparation of a future planning proposal.

1.2 Study Overview

The LEP specifies the framework which guides the development of the Gunnedah Shire, and is based on the recommendations of the Rural Strategy. This Strategy explores, inter alia, land suitable for future residential development. With regard to Curlewis, the Rural Strategy noted that there are a number of allotments that are vacant, or have the potential to be subdivided without the need to expand the residential area of the township immediately. However, upon gazettal of the LEP, the “existing holding” provision was removed and as a result, the development potential of the smaller agricultural allotments surrounding the village of Curlewis (which do not contain a dwelling) has significantly reduced.

The catalyst for this strategic investigation was receipt of a Development Application by Gunnedah Shire Council, proposing the construction of a dwelling house on a lot adjacent to the village of Curlewis. This DA sought an exception to the minimum lot size development standard pursuant to Clause 4.6 of the LEP. Although the application has been subsequently withdrawn, Council resolved to review the rural area immediately surrounding the village of Curlewis, with particular regard to the land zoning and minimum lot size.

Gunnedah has experienced an increase in the demand for large lot rural/residential development, particularly on the fringe of the existing township. With the pending approvals for resource development to the south of Gunnedah and Curlewis, it is anticipated that the demand for large lot rural/residential type development will also occur in Curlewis. The subject land comprises a number of competitive advantages as a result of its proximity to Gunnedah, existing community infrastructure (school, hall, general store and playing fields) as well as the potential for future development to be serviced by suitable road access and reticulated water and sewer infrastructure. This strategic analysis provides recommendations in order to optimise development opportunities within the statutory and planning policy framework. This is achieved by:

- Considering the current population characteristics of Curlewis as well as possible future expansion, with particular regard to major development proposals;
- Analysing the availability of residential land within Curlewis as well as existing infrastructure;

- Recommending an appropriate future strategic direction for the existing small rural allotments immediately surrounding Curlewis, as well as the land zoned RE1 Public Recreation adjacent to the village zone, addressing:
 - Land zoning and minimum lot size;
 - Subdivision potential;
 - Dwelling capability; and
 - Provision of services.

This document considers the orderly expansion of Curlewis via the provision of a transition area between RU5 Village to RU1 Primary Production zoned land. Proposed amendments aim to recognise historic and current agricultural land uses, with the recommended zoning and minimum lot size attributes facilitating residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

2 CURLEWIS ENVIRONS

2.1 Introduction

The village of Curlewis is located on the western side of the Kamilaroi Highway, approximately 17km south of Gunnedah. The Highway is considered to be a physical barrier to further development of the township of Curlewis to the east and as such, the study area has been restricted to land to the north, west and south of the village as demonstrated by Figure 1:

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

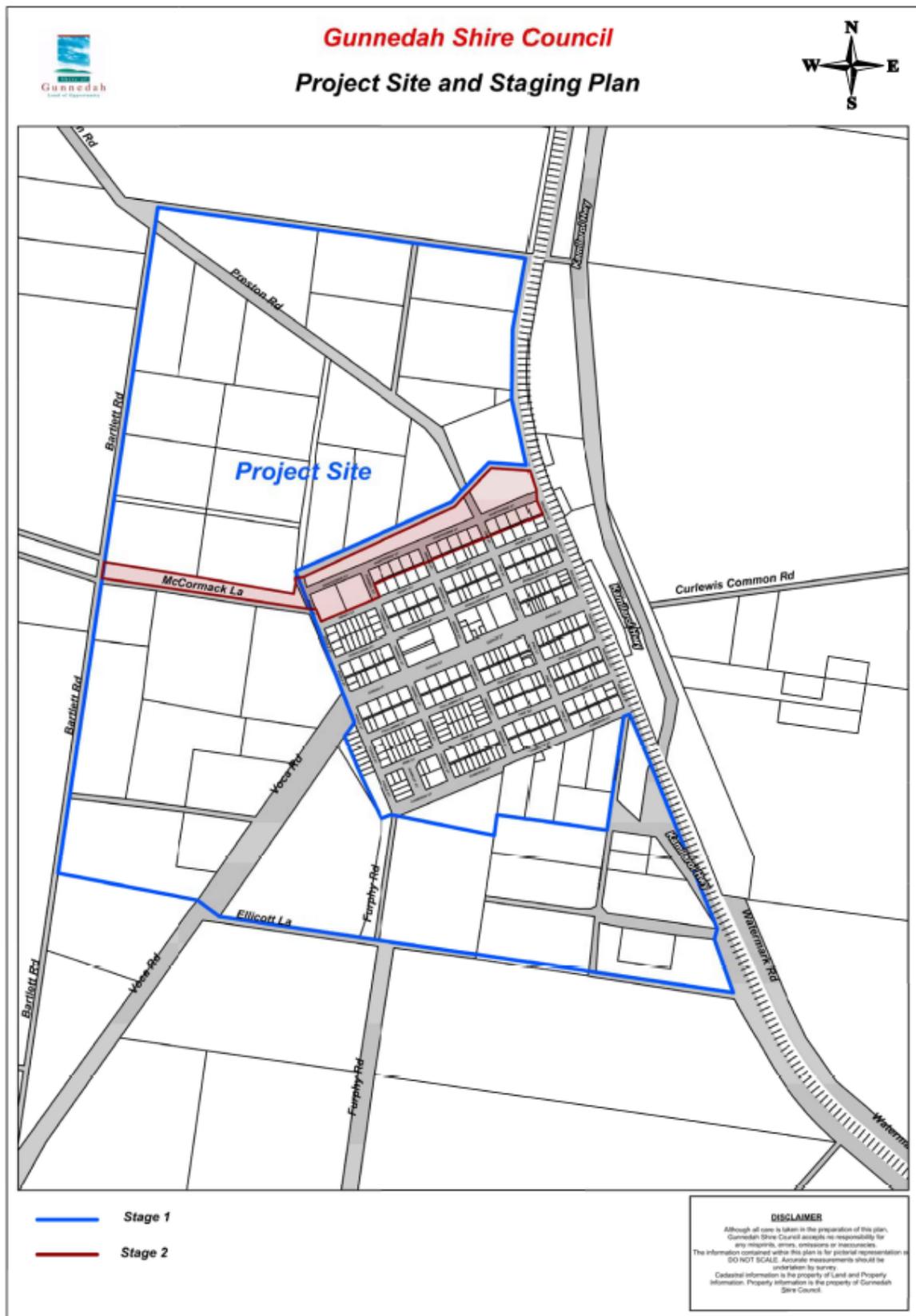


FIGURE 1 - THE STUDY AREA

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs



FIGURE 2 - AERIAL IMAGE OF THE STUDY AREA

Land within Stage 1 of the study area is zoned RU1 Primary Production pursuant to the provisions of the LEP, and has been allocated a minimum lot size of 200 hectares. Land within Stage 2 is zoned RU1 Primary Production with a minimum lot size of 200 hectares and RE1 Public Recreation (with no corresponding minimum lot size). Ownership of the study area is a mix of public and private, while existing development comprises a mix of residential and rural activities. While the study area is predominantly flat, a stormwater levee serves the village of Curlewis and does affect some of the subject allotments.

The township of Curlewis derives its principal access from the Kamilaroi Highway, and this intersection appears to be performing satisfactorily. The village is serviced by Council's reticulated water and sewage infrastructure and capability exists for expansion of the village, subject to the imposition of appropriate development controls.

This document considers the orderly expansion of Curlewis via the provision of a transition area between RU5 Village to RU1 Primary Production zoned land. The subject land is not restricted by flooding, and only three allotments are identified as bushfire prone land. Of these three, two are identified as the Curlewis cemetery.

Proposed amendments aim to recognise historic and current agricultural land uses, with the changes to zoning and minimum lot size attributes facilitating the continuance of these uses while allowing the opportunity to construct a dwelling, where appropriate.

3 STATUTORY PLANNING CONTEXT

3.1 Introduction

Planning in New South Wales is governed by the *Environmental Planning and Assessment Act 1979* and corresponding *Regulation 2000*. While these key pieces of legislation provide the overarching structure for development, there are a number of supplementary statutory and non-statutory instruments that support the principal provisions.

3.2 State and Regional Plans and Policies

3.2.1 Section 117 Directions

Under Section 117 of the *Environmental Planning and Assessment Act 1979* the Minister of the NSW Department of Planning and Environment may direct Councils to prepare draft Local Environmental Plans in accordance with certain principles and to include provisions that will achieve certain aims, objectives or policies. The following directions are likely to be relevant in the preparation of a future planning proposal for development of the study area, and have been detailed as part of this addendum so that all relevant matters may be addressed:

1.2 Rural Zones

Where this direction applies & what a relevant planning authority must do if this direction applies

Clause 4(a) of this direction applies to all relevant planning authorities and states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

Gunnedah Shire Council local government area is not specified in Clause 2(b) as being required to comply with Clause 4(b).

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:
 - (i) Gives consideration to the objectives of this direction,
 - (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) Is approved by the Director General of the Department of Planning, or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) Is of minor significance.

Commentary

Identification of appropriate land use zones and corresponding minimum lot sizes (where applicable) for the subject land is provided in this addendum, which considers the agricultural production value of the area.

1.5 Rural Lands

Where this direction applies

This direction applies when:

- (a) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- (b) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

What a relevant planning authority must do if this direction applies

A planning proposal to which this direction applies must be consistent with the Rural Planning Principles & Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands)* 2008.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:
 - (i) Gives consideration to the objectives of this direction,
 - (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) Is approved by the Director-General of the Department of Planning and is in force, or
 - (iv) Is of minor significance.

Commentary

Consideration of the Rural Planning Principles & Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands)* 2008 is included in Section 3.2.5 of this addendum.

2.1 Environment Protection Zones

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 “Rural Lands”.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) Is of minor significance.

Commentary

The recommendations of this addendum aim to facilitate the protection and conservation of environmentally sensitive areas.

3.1 Residential Zones

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) An existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- (b) Any other zone in which significant residential development is permitted or proposed to be permitted.

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that encourage the provision of housing that will:

- (a) Broaden the choice of building types and locations available in the housing market, and
- (b) Make more efficient use of existing infrastructure and services, and
- (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) Be of good design.

A planning proposal must, in relation to land to which this direction applies:

- (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority have been made to service it), and
- (b) Not contain provisions which will reduce the permissible residential density of land.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that are inconsistent are:

- (a) Justified by a strategy which:
 - (i) Gives consideration to the objectives of this direction,
 - (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) Is approved by the Director-General of the Department of Planning and is in force,or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objectives of this direction, or
- (d) Of minor significance.

Commentary

The recommendations of this addendum aim to facilitate a variety of housing types within Curlewis to provide for existing and future housing needs, while minimising the impact of residential development on the environment and resource lands. Consideration of the level of servicing available, as well as acceptable solutions for new development is also detailed.

3.4 Integrating Land Use & Transport

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What the relevant planning authority must do if this direction applies

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy which:
 - (i) Gives consideration to the objective of this direction, and
 - (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) Is approved by the Director General of the Department of Planning, or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) Of minor significance.

Commentary

Where possible, the recommendations of this addendum consider the objectives of *Improving Transport Choice – Guidelines for planning and development* and *The Right Place for Business and Services – Planning Policy*, which aim to reduce growth in the number and length of private car journeys and make walking, cycling and public transport use more attractive.

4.4 Planning for Bushfire Protection

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

Commentary

Figure 3, below demonstrates the extent of mapped bushfire prone land within the study area. As such, consultation with the Commissioner of the NSW Rural Fire Service shall be required to be undertaken following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act.

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

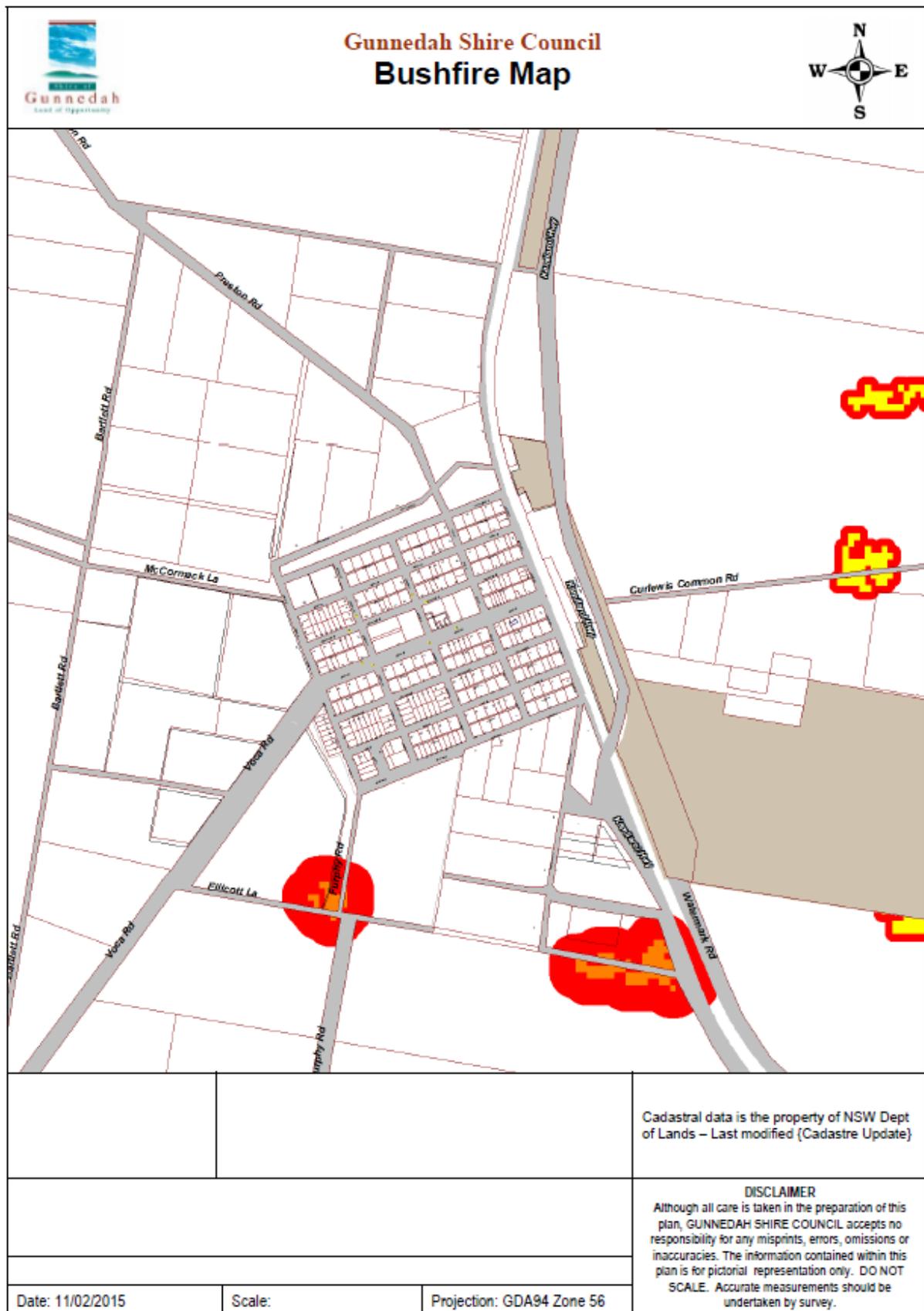


FIGURE 3 - EXTENT OF BUSHFIRE PRONE LAND

6.1 Approval and Referral Requirements

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What the relevant planning authority must do if this direction applies

A planning proposal must:

- (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
- (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - (i) the appropriate Minister or public authority, and
 - (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),

prior to undertaking community consultation in satisfaction of section 57 of the Act, and

- (c) not identify development as designated development unless the relevant planning authority:
 - (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
 - (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

A planning proposal must be substantially consistent with the terms of this direction.

Commentary

The proposed amendments will not be classified as designated development. However, as detailed above, a portion of the subject land is identified as bushfire prone land. As such, the planning proposal will require referral to the NSW Rural Fire Service prior to undertaking community consultation in satisfaction of section 57 of the Act. Nevertheless, the proposed amendments are considered to be substantially consistent with the terms of this direction.

The township of Curlewis derives its principal access from the Kamilaroi Highway, and a number of the allotments within the study area are in proximity to the railway. In this regard, it is recommended that targeted consultation be undertaken with NSW Roads and Maritime Services (NSW RMS) and the Australian Rail Track Corporation (ARTC) as part of the preparation of a planning proposal.

6.2 Reserving Land for Public Purposes

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

Commentary

In accordance with the objectives of this direction, the recommendations of this addendum facilitate the provision of public services and facilities by reserving land for public purposes.

3.2.2 State Environmental Planning Policy No. 44 – Koala Habitat

This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas and applies in the Gunnedah Shire Council local government area to land that has an area of more than 1 hectare. Therefore, the provisions of this Policy will require consideration as part of any future Development Application to construct a dwelling on many of the allotments within the study area. Conservation and management of natural vegetation that provides habitat for koalas is encouraged wherever possible.

3.2.3 State Environmental Planning Policy No. 55 – Remediation of Land

The objective of SEPP No. 55 is to provide a state-wide planning approach to the remediation of contaminated land. The SEPP requires consideration of previous land uses and promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. None of the lands within the study area are known by Council to be contaminated and are not included in the NSW EPA contaminated land register. Nevertheless, consideration of this matter on a site-by-site basis will be required as part of any future Development Application.

3.2.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 facilitates the delivery of infrastructure across the State and provides for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

The township of Curlewis derives its principal access from the Kamilaroi Highway, and a number of the allotments within the study area are in proximity to the railway. In accordance with the intent of the provisions of this Policy, it is recommended that targeted consultation be undertaken with NSW Roads and Maritime Services (NSW RMS) and the Australian Rail Track Corporation (ARTC) as part of the preparation of a planning proposal.

3.2.5 State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*

- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.*
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

In accordance with Section 117 of the *Environmental Planning and Assessment Act 1979*, Council is required to exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles & Rural Subdivision Principles detailed in this Policy. Consideration of these principles has informed the recommendations of this addendum, and the proposed rezoning is considered to be commensurate with the current pattern of development and existing land uses.

3.2.6 Regional Environmental Plans (Deemed State Environmental Planning Policies)

There are no regional environmental plans (deemed SEPPs) that are relevant to the proposed development.

3.2.7 NSW State Plan 2021 (September 2011)

The proposed LEP amendments will contribute to the achievement of various goals listed in the State Plan 2021, such as:

- *Goal 3: Drive economic growth in regional NSW (by providing a range of developable rural allotments within the Gunnedah Local Government Area).*
- *Goal 20: Build liveable communities (by providing additional opportunities for rural land uses to be undertaken in conjunction with residential occupation, in proximity to an established centre).*
- *Goal 22: Protect our natural environment (by restricting inappropriate subdivision and development of rural allotments).*
- *Goal 27: Enhance cultural, creative, sporting and recreation opportunities (by assigning an appropriate land zone to allotments historically utilised for community recreation purposes).*
- *Goal 32: Involve the community in decision making on government policy, services and projects (any future planning proposal will require extensive community consultation).*

3.2.8 New England North West Regional Action Plan (December 2012)

The proposed development is considered to be consistent with the Government's Regional Action Plan, which seeks, inter alia, to support sustainable economic growth, invest in regional and local infrastructure and support strong, safe communities.

3.2.9 New England North West Strategic Regional Land Use Plan (2012)

The New England North West Strategic Regional Land Use Plan (SRLUP) was reviewed in the preparation of this addendum to the Rural Strategy. The proposed amendments are considered to be consistent with the purpose of the SRLUP, as future development of the subject land has been balanced with the protection of agricultural land and the sustainable management of resources. Furthermore, access to infrastructure required to support housing areas has been a key consideration.

3.3 Local Plans and Policies

3.3.1 Gunnedah Local Environmental Plan 2012

Gunnedah Shire Council adopted the *Gunnedah Local Environmental Plan (LEP) 2012* in June 2012 in accordance with the Standard Instrument Local Environmental Plan Program implemented by the NSW Government. The provisions of the LEP were based on the recommendations of the Rural Strategy.

Examination of the suite of available zones with the Standard Instrument has been undertaken in the preparation of this addendum, with the following identified as potentially suitable:

RU1 Primary Production: This zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is not a default zone for non-urban land. The zone is allocated to land where the principal function is primary production.

RU2 Rural Landscape: This zone is for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been conserved (often due to topography). It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture (such as ‘viticulture’), but where the permitted uses are usually more limited and differ from RU1 land due to landscape constraints. This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation.

RU4 Primary Production Small Lots: This zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.

RU5 Village: This zone is a flexible zone for centres where a mix of residential, retail, business, industrial and other compatible land uses may be provided to service the local rural community. The RU5 zone would typically apply to small rural villages within rural areas.

R5 Large Lot Residential: This zone is intended to cater for development that provides for residential housing in a rural setting, often adjacent to towns or metropolitan areas. The allocation of large lot residential land should be justified by council’s housing / settlement strategy prepared in accordance with planning principles set out in regional and subregional strategies, s.117 directions and relevant SEPPs. Access to reticulated sewerage and water systems should be considered when determining appropriate minimum lot sizes. Lot sizes can be varied within the zone depending on the servicing availability and other factors such as topography, native vegetation characteristics and surrounding agricultural land uses.

SP2 Infrastructure: Infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned SP2, for example ‘cemeteries’ and major ‘sewage treatment plants.’

RE1 Public Recreation: This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space. The uses may include ‘recreation facilities,’ ‘community facilities’ such as lifesaving clubs, ‘environmental facilities’, ‘environmental protection works’ and other uses compatible with the primary use of the land. Where land is to be reserved for public recreation purposes (e.g. local or regional open space), the land is to be outlined and annotated on the Land Reservation Acquisition Map, and the relevant acquisition authority identified in the table in clause 5.1.

Allocation of appropriate land zones requires not only consideration of current land uses and physical constraints, but also the provisions of the LEP. In this instance, particular consideration of Clause 4.2A *Erection of dwelling houses on land in certain rural and environmental protection zones* was required. The objectives of this clause are to minimise unplanned rural residential development and enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones. Clause 4.2A applies to land zoned RU1 Primary Production, RU4 Primary Production Small Lots, RU6 Transition and E3 Environmental Management. Subclause (3) of this clause states that:

Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:

- (a) a lot that is at least the minimum lot size specified for that land on the Lot Size Map, or*
- (b) a lot that was created before the commencement of this Plan, in accordance with the Gunnedah Local Environmental Plan 1998, or*
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or*
- (d) a lot identified as “Dwelling opportunity” on the Dwelling Opportunity Map.*

In this regard, the erection of a dwelling on land zoned RU1, RU4, RU6 and E3 is restricted and can only be approved subject to compliance with the provisions of Clause 4.2A(3) outlined above. This matter has formed a large consideration in the compilation of the recommendations of this addendum, as there are a number of allotments identified within the study area that are not capable of supporting the construction of a dwelling (for example, previous road reserves that are now in private ownership).

The aims of the LEP (Clause 1.2), definitions (Clause 1.4), maps (Clause 1.7), land use zones (Clause 2.1), zone objectives and Land Use Tables (Clause 2.3), minimum subdivision lot size (Clause 4.1), preservation of trees or vegetation (Clause 5.9) and essential services (Clause 6.5) have also been considered during the preparation of this addendum.

3.3.2 Gunnedah Development Control Plan 2012

The *Gunnedah Development Control Plan (DCP) 2012* was prepared in support of the LEP and details specific, more comprehensive guidelines for certain types of development. Future residential development within the subject land will be required to comply with the provisions of the DCP, in particular:

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

- Building setbacks. The extent of the setback will depend on the nature of the access road, i.e. whether it is sealed or unsealed. It is noted that should the road be unsealed and the proposed development is unable to comply with the required building setbacks, the landowner may be required to seal the road;
- Building height;
- Provision of utilities;
- Privacy;
- Design and solar access;
- Street fencing;
- Outbuildings, carports and detached garages;
- Access;
- Ridgelines; and
- Slope.

4 DEVELOPMENT IN THE REGION

The Shenhua Watermark Coal operation is proposed for an area approximately 8km south south-east of Curlewis, west of Breeza. The mine is anticipated to operate for approximately 30 years, extracting an average of 10 million tonnes of coal per annum for the life of the facility. The proposed development will include a Coal Handling and Preparation Plant, construction of a rail loop, rail spur and overpass over the Kamilaroi Highway as well as extensive utilities infrastructure, water management infrastructure and on-site workshops and related facilities. The mine will employ approximately 600 workers sourced both locally and from outside the region. The application was granted consent subject to conditions by the Planning Assessment Commission (Ref. D337/14) on 28 January 2015.

A locality map of the proposed development is provided below, Figure 4.

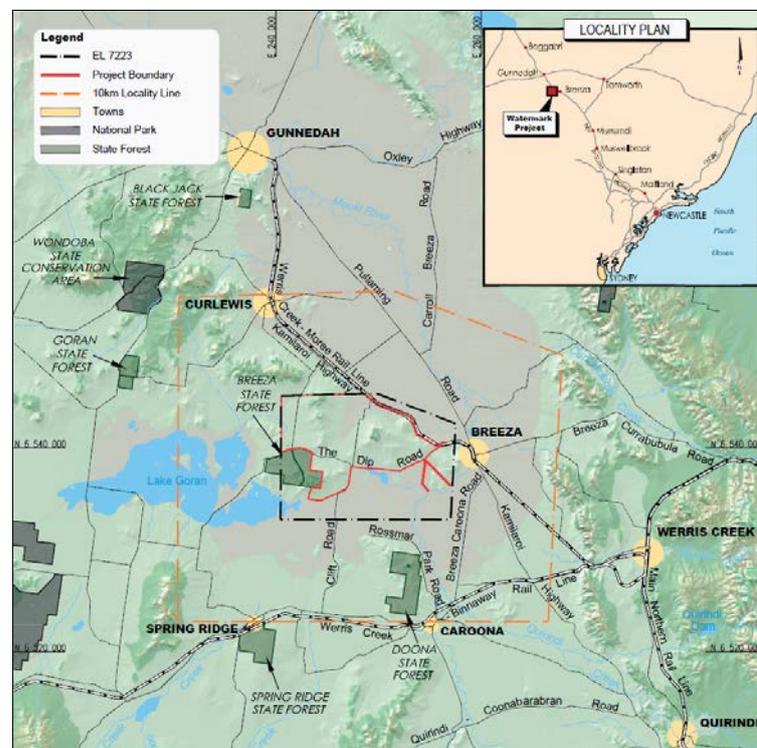


FIGURE 4 - MAP OF SHENHUA WATERMARK MINE

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

The 'Watermark Coal Project – Social Impact Assessment, February 2013' reports the following estimated population increase for the Gunnedah Shire, during the 'Construction Phase', 'Ongoing Operation' (which covers an estimated 30 year period) and 'Peak Production' periods.

Construction Phase 2016	Ongoing Operation 2016-2046	Peak Production – Year 21
600 persons	600 persons (100 - 400 in the first year of operation)	300 – 1,200 persons

Source: Watermark Social Impact Assessment

TABLE 1 - ESTIMATED POPULATION INCREASE

The Watermark Social Impact Assessment's population projections are based on 'Workforce Hiring Scenarios' which have been modelled due to the perceived unpredictability of where the project's workforce might be sourced. The three different 'Workforce Hiring Scenarios' considered in the Social Impact Assessment are:

- Scenario 1 – 80% local hires and 20% non-local hires;
- Scenario 2 – 50% local hires and 50% non-local hires; and
- Scenario 3 – 20% local hires and 80% non-local hires.

Table 2 describes the expected population increase and residential locations which could be expected in the region at the peak of production. Areas outside the Gunnedah urban area (such as Quirindi, Werris Creek and Tamworth) have been combined and recorded as 'Greater Regional'.

Workforce Scenarios 1, 2 & 3	Number of workforce at peak (year 21)	Total population associated with workforce at peak (year 21)
Gunnedah Urban	210	525
Greater Regional	600	1,500

Source: Watermark Social Impact Assessment

TABLE 2 - LIKELY FINAL RESIDENTIAL LOCATION AT PEAK OPERATIONAL WORKFORCE

The Watermark Social Impact Assessment predicts that incoming population growth will be gradual between year 1 and year 21. The Social Impact Assessment predicts that following the initial construction and start-up operation phase (requiring an additional 600 to 1,000 persons) incremental growth will be in the region of between 4 and 14 persons per year, depending on the Workforce Scenario. However, the additional population predicted as the result of flow-on workforce growth (arising from production induced or consumption induced economic growth) may be an additional 50 persons per year on top of an estimated 318 additional persons during the construction phase.

While it is clear that the most significant population impacts are likely to occur during the construction and initial operation phase, the resultant impacts are presumed to be considerable. Analysis of some of the potential housing impacts as a result of this development is discussed below.

4.1 Potential Housing Impacts

The potential for housing impacts in relation to both existing populations and new residents is discussed in the Social Impact Assessment. The proportion of non-local hires employed by the project (in addition to flow-on employment) is likely to generate the most significant demand on housing stocks due to the fact that most local hires will already be housed in existing dwellings. The following tables provide conservative estimates of predicted demand (based on workforce Scenarios):

Expected final residential location of non-local hire operational workforce (20%)	Number of additional dwellings required	
	Year 1	Year 21
Gunnedah Urban	14	42
Greater Regional	26	78

Source: Watermark Social Impact Assessment

TABLE 3 - ADDITIONAL DWELLINGS REQUIRED BY LOCATION AT YEAR 1 AND YEAR 21 (SCENARIO 1)

Expected final residential location of non-local hire operational workforce (50%)	Number of additional dwellings required	
	Year 1	Year 21
Gunnedah Urban	35	105
Greater Regional	65	195

Source: Watermark Social Impact Assessment

TABLE 4 - ADDITIONAL DWELLINGS REQUIRED BY LOCATION AT YEAR 1 AND YEAR 21 (SCENARIO 2)

Expected final residential location of non-local hire operational workforce (80%)	Number of additional dwellings required	
	Year 1	Year 21
Gunnedah Urban	56	168
Greater Regional	104	312

Source: Watermark Social Impact Assessment

TABLE 5 - ADDITIONAL DWELLINGS REQUIRED BY LOCATION AT YEAR 1 AND YEAR 21 (SCENARIO 3)

Demand for housing of a long term nature, according to the above statistics, will be between 14 and 56 houses in the Gunnedah urban area alone, in the first year of the mine’s operation.

The Social Impact Assessment also predicts that an additional 318 persons, some with partners and children, could re-locate temporarily to the region as the result of flow-on employment arising from the construction phase. While the Social Impact Assessment frequently refers to the MAC Workforce Accommodation facilities (now known as 'Civeo') as satisfying much of the demand for short-term housing during construction (for single men), the report does not address the housing needs of potentially hundreds of 'short-term' families arriving in the region as a direct consequence of the construction phase of the mine.

4.2 Existing and Expected Population Characteristics – Curlewis and Gunnedah LGA

In order to determine whether current and proposed planning provisions are capable of suitably facilitating future development within the region as a whole and the town of Curlewis specifically, population characteristics are required to be examined.

A demographic profile of the village of Curlewis and the Gunnedah Local Government Area (LGA), its people and the economy was undertaken utilising statistics from relevant sources such as the Australian Bureau of Statistics (ABS) and NSW Planning and Environment. Population projections and employment profiles have also been examined.

Analysis of the Curlewis & Gunnedah LGA population as at the previous three (3) census dates is provided below.

Population	2001	2006	2011
Curlewis	575	604	589
Gunnedah LGA	11,993	11,524	12,066

Source: ABS 2015

TABLE 6 - POPULATION AND DATA FOR CURLEWIS AND GUNNEDAH LGA

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

The following tables display a snapshot of some key demographic averages and medians for the Curlewis and the Gunnedah LGA, expressed over time. The median age has remained consistent as has average household size, while household income and mortgage repayments have increased in similar increments over time.

Selected Averages and Medians	2006	2011
Median age of persons	37	40
Median total personal income (\$ / weekly)	298	428
Median total family income (\$ / weekly)	697	987
Median total household income (\$ / weekly)	630	777
Median mortgage repayment (\$ / monthly)	650	893
Median rent (\$ / weekly)	120	198
Average number of persons per bedroom	1.1	1.2
Average household size	2.8	2.7

Source: ABS 2015

TABLE 7 - TIME SERIES PROFILE, CURLEWIS

Selected Averages and Medians	2006	2011
Median age of persons	40	40
Median total personal income (\$ / weekly)	366	485
Median total family income (\$ / weekly)	915	1,200
Median total household income (\$ / weekly)	714	937
Median mortgage repayment (\$ / monthly)	867	1,300
Median rent (\$ / weekly)	120	190
Average number of persons per bedroom	1.1	1.1
Average household size	2.5	2.5

Source: ABS 2015

TABLE 8 - TIME SERIES PROFILE, GUNNEDAH LGA

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

Census data sourced from the Australian Bureau of Statistics has been used to form the basis for population projections and to demonstrate historical trends. The NSW Department of Planning released population projections for Local Government Areas throughout NSW in 2010 which predicted progressive population decline from 1996 through to 2036 across many regional areas, inclusive of Gunnedah. The projections have been widely criticised mainly due to recent data released by the ABS indicating, for the Gunnedah region (and other rural regions), the converse of the Department's projections.

Population, household and dwelling projections until 2031 were completed for each LGA by NSW Planning and Environment in 2014. While these projections anticipate an increase in population, the key driver of growth in the Gunnedah Region has been identified to be a high fertility rate. These projections do not incorporate sudden or sustained growth due to development (such as mining in the greater region).

Gunnedah LGA	2011	2016	2021	2026	2031
Population	12,500	12,750	13,000	13,150	13,300
Total Households	5,050	5,200	5,300	5,400	5,500
Average Household Size	2.45	2.41	2.40	2.39	2.36
Implied Dwellings	5,550	5,750	5,850	5,950	6,050

Source: NSW Planning and Environment 2015

TABLE 9 - POPULATION ESTIMATES AND GROWTH FORECASTS GUNNEDAH LGA 2011 – 2031

Gunnedah LGA	2011-16	2016-21	2021-26	2026-31
Total Population Change	250	250	200	150
Average Annual Population Growth	0.4%	0.4%	0.3%	0.2%
Total Household Change	150	100	100	100
Average Household Growth	0.7%	0.4%	0.4%	0.3%

Source: NSW Planning and Environment 2015

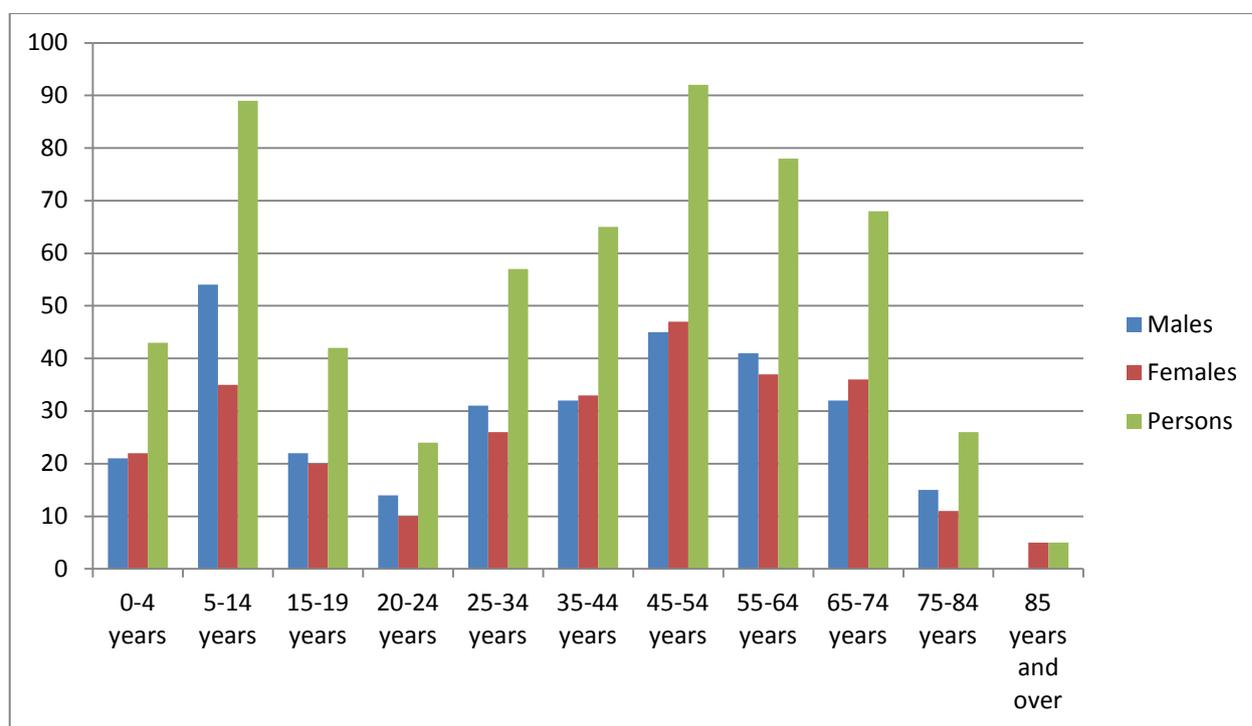
TABLE 10 - TOTAL PROJECTED CHANGE

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

Many regional communities are confronting significant and rapid adjustment processes, unfavourable seasonal and cyclical conditions, and out-migration from smaller towns, particularly by young people. Age profiles are an important demographic descriptor allowing age distributions to be monitored over time or as a consequence of significant impacts such as the in-migration of new workers into a region.

Figure 5 demonstrates the age structure of the Curlewis community at the 2011 census. This profile is indicative of the out-migration of prime working age persons between the ages of 20 and 49 prevalent in rural communities where employment opportunities are fewer and less diverse than those available in large urban centres. However, it is anticipated that this profile will “soften” over the short to medium term as new employment generating activity gains traction in the region and encourages the long term retention and / or attraction of new prime working age residents (and their families) to the area.



Source: ABS 2015

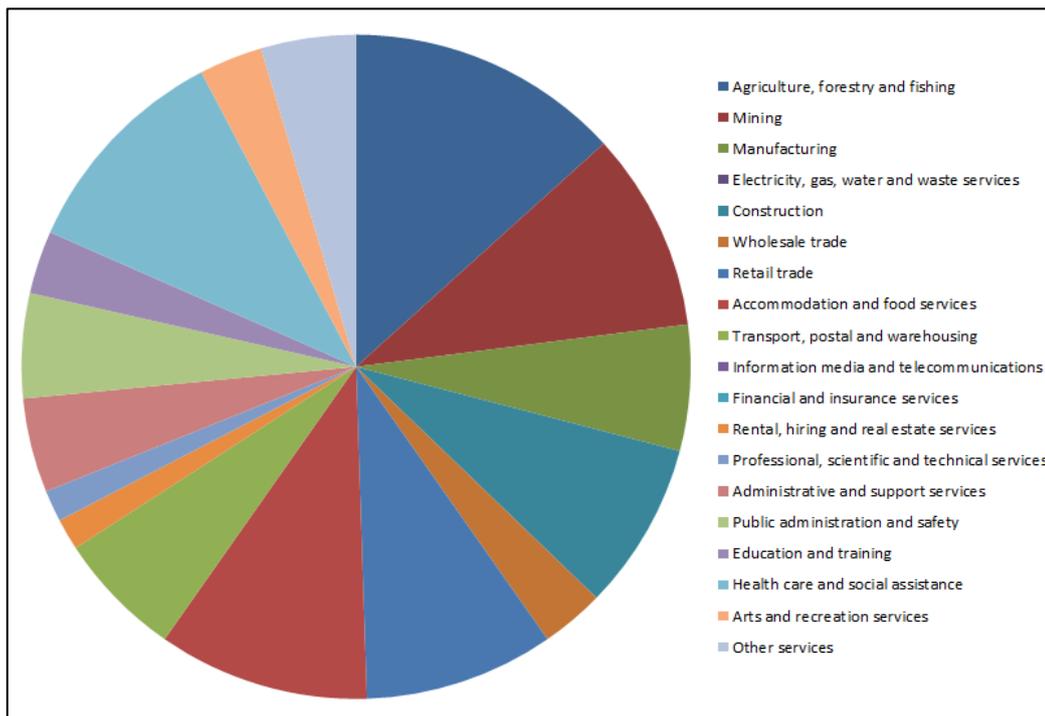
FIGURE 5 - AGE BY DISTRIBUTION, CURLEWIS 2011

Gunnedah and its environs has historically been an agricultural region; however, recent development of natural resources such as coal and coal seam gas has altered the economic profile of the area evidenced by growth in the manufacturing, administrative services and transport sectors. Growth in population and economic activity are key drivers in stimulating demand for land and infrastructure.

Employment by industry for Curlewis the Gunnedah LGA is demonstrated below:

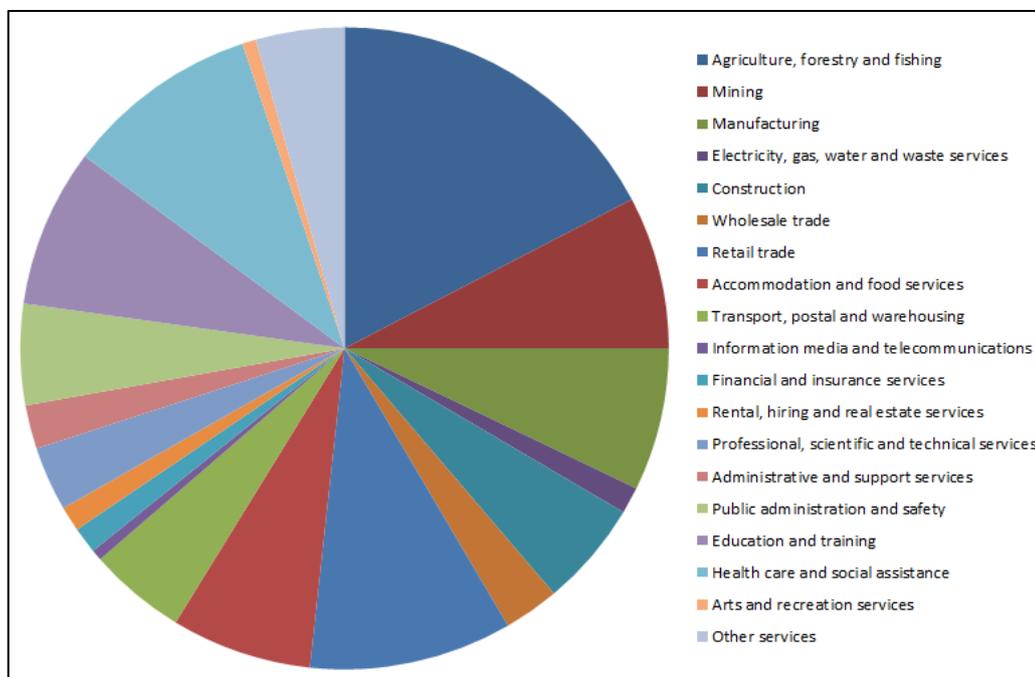
ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs



Source: ABS 2015

FIGURE 6 - EMPLOYMENT BY INDUSTRY, CURLEWIS 2011



Source: ABS 2015

FIGURE 7 - EMPLOYMENT BY INDUSTRY, GUNNEDAH 2011

Conclusions

With the pending commencement of further resource development in proximity to the centres of Curlewis and Gunnedah it is clear that the region is going to experience significant population impacts, particularly in the construction and initial operation phase of the development. While an examination of the age structure of Curlewis demonstrates an out-migration of prime working age persons between the ages of 20 and 49, it is anticipated that this profile will alter over the short to medium term as new employment generating activity is established in the region, which is expected to encourage the long term retention and / or attraction of new prime working age residents (and their families) to the area. In this regard, it is expected that there will be demand for housing of a long-term nature. An examination of the current planning provisions is therefore undertaken as part of this addendum to the Rural Strategy, as it is anticipated that increased demand for a range of rural/residential allotments will occur in the region.

5 CURLEWIS

5.1 Existing Development Pattern

Residential development in the village of Curlewis is generally bounded by Hawthorne Street to the north, Railway Street to the east, Cameron Street to the south and Poole Street to the west. In recognition of this settlement pattern, the LEP assigns land zoning of RU5 Village and RE1 Public Recreation, with additional land to the south of Cameron Street also zoned RU5 in order to accommodate future expansion of the village. Land surrounding Curlewis is zoned RU1 Primary Production and is afforded with a minimum lot size of 200 hectares.

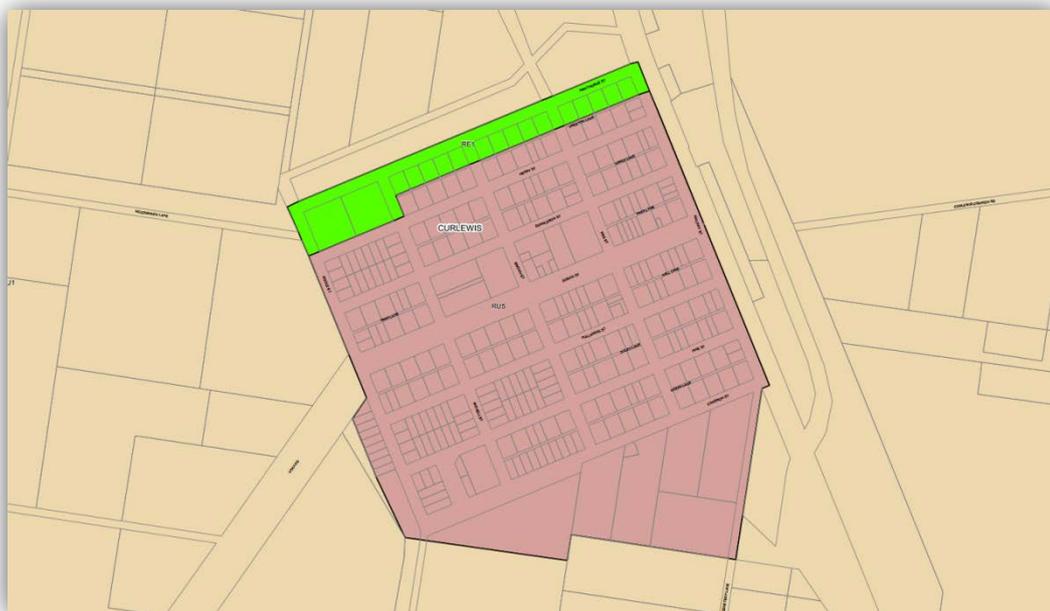


FIGURE 8 - EXTRACT FROM GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 - LAND ZONING MAP

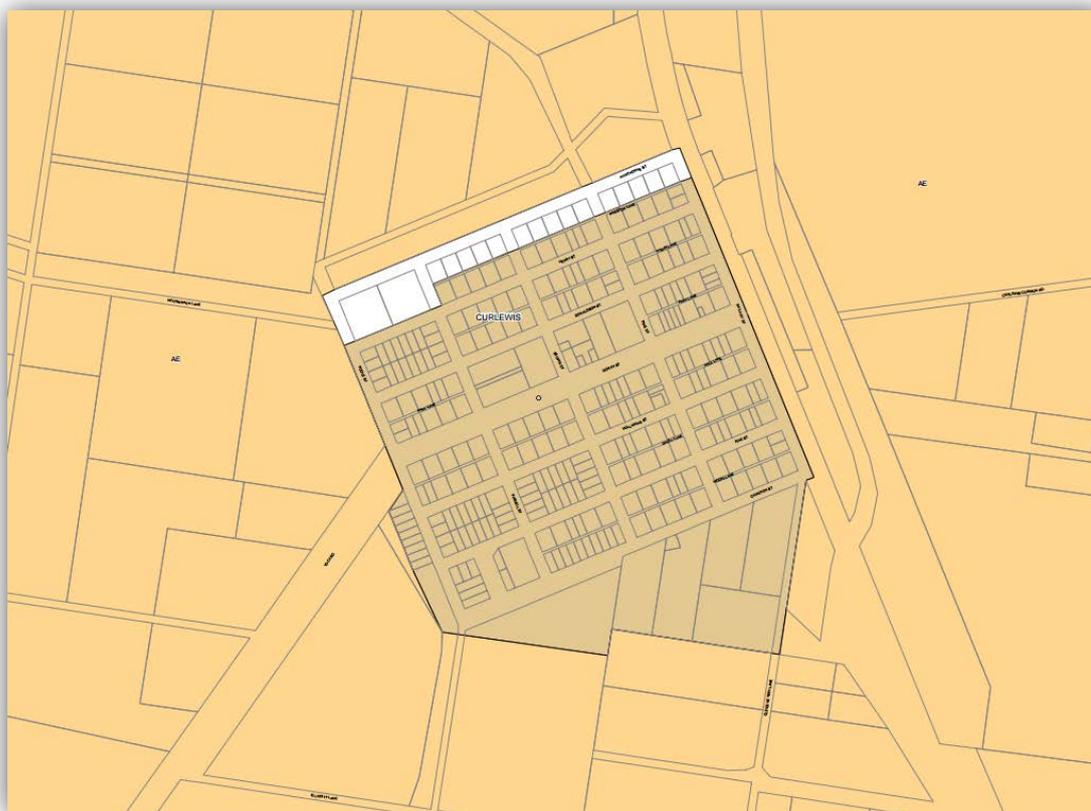


FIGURE 9 - EXTRACT FROM GUNNEDAH LOCAL ENVIRONMENTAL PLAN 2012 - MINIMUM LOT SIZE MAP

5.2 Existing Development Potential

As detailed above, RU5 zoned land exists to the south of Cameron Street in order to accommodate expansion of the village. This area has a size of approximately 16 hectares (160,000 square metres), and is assigned with a minimum lot size of 650 square metres.

If 15% of the total area is reserved for infrastructure to service the subdivision, this area would have a maximum yield of 209 additional allotments.

If 20% of the total area is reserved for infrastructure to service the subdivision, this area would have a maximum yield of 196 additional allotments.

It is therefore considered that adequate area exists for the sustainable expansion of the village into the future. However, the current LEP provisions do not allow for a natural progression of development from smaller, urban allotments through to large lot rural/residential and finally primary production land. This document therefore offers recommendations regarding appropriate land zoning in order to provide a transition area between the RU5 Village zone to RU1 Primary Production zoned land, which has the potential to facilitate a range of lot sizes in appropriate locations to meet the needs of a diverse range of household types.

5.3 Future Strategic Direction

5.3.1 Small Rural Allotments (Curlewis Environs) – Stage 1

An examination of the small rural allotments surrounding Curlewis identified in Figure 1 – Stage 1 has been completed. In this regard, current applicable planning provisions have been identified and an assessment of site attributes has been undertaken in order to determine whether an amendment to the LEP is appropriate. The following matters are noted:

- The land within the Stage 1 of the study area is zoned RU1 Primary Production pursuant to the provisions of the LEP, with a minimum lot size of 200 hectares;
- The maximum height elevation that Council's reticulated water infrastructure can service in Curlewis is 290 meters AHD. It is noted that there are four (4) properties within the study area that face Bartlett Road which cannot connect to this infrastructure. However, adequate area is available on site for the provision of water tanks in accordance with the requirements of the DCP;
- There may be potential for some allotments within the study area to connect to Council's reticulated sewer infrastructure. Regardless, the allotments are of sufficient size in order to accommodate on-site sewage management systems;
- Although there are significant stands of vegetation located within the study area, adequate unconstrained land appears to be available on each allotment in order to facilitate the future construction of a dwelling, subject to appropriate assessment;
- A range of land uses exist within the study area, including residential, rural residential, primary production and community facilities (recreation and a cemetery); and
- Although a stormwater levee traverses a number of the subject allotments, adequate unaffected area appears to exist on the affected properties in order to accommodate the future construction of a dwelling.

After consideration of the abovementioned matters, it was concluded that the subject land is capable of supporting land zone/s (and corresponding minimum lot size/s) that will facilitate continuance of the existing rural land uses, deliver lifestyle needs via rural/residential development, recognise current community facilities and appropriately progress development from the village of Curlewis (zoned RU5) to the greater region (zoned RU1).

An assessment of the provisions of the Standard Instrument LEP was undertaken in order to identify appropriate planning provisions for the land. In this regard, it is considered that the rezoning of the subject land to RU4 Primary Production Small Lots would be appropriate, with the exception of the following:

- Lots 7302 & 7303 DP 1140446, which should be zoned SP2 Infrastructure (community land for the purpose of a cemetery); and
- Lots 213 & 255 DP 755490, which should be zoned RE1 Public Recreation in recognition of the current and historic use as community recreational land.

The RU4 Primary Production Small Lots zone enables the continuance of sustainable primary industry and will maintain the rural and scenic character of the land. In conjunction with this rezoning, it is recommended that a minimum lot size of 10 hectares be adopted, together with a dwelling opportunity map. This pathway will preserve existing agricultural land uses as well as provide a dwelling entitlement to existing allotments that are capable of supporting a dwelling house and associated infrastructure (including on-site sewage management systems where required), and will prevent further subdivision and fragmentation of the subject land.

As detailed in Section 3.3.1 of this addendum, the erection of a dwelling on land zoned RU4 is restricted and can only be approved subject to compliance with the provisions of Clause 4.2A(3) of the LEP. To this end, the allocation of the RU4 Primary Production Small Lots zone is considered more appropriate than a R5 Large Lot Residential zone, as there are a number of allotments within the study area that are not capable of supporting the construction of a dwelling (for example, previous road reserves that are now in private ownership).

Further investigation in relation to ecological attributes will be required to be undertaken by the property owners as part of the Development Application process, upon identification of a suitable building envelope. These applications will also be required to consider matters as specified by applicable SEPPs, including (but not limited to) SEPP No. 44, SEPP No. 55 and SEPP (Infrastructure) 2007.

Additional essential services, including electricity, stormwater and road access shall be made available to serve the affected lands via the imposition of appropriate conditions of consent on future Development Applications in accordance with the provisions of the DCP.

5.3.1.1 Recommendations

Having regard for the comments in Section 4.2.1, it is recommended that a planning proposal be prepared for the project site, with the following outcomes:

- In accordance with the map attached as Appendix A, rezone lands within the subject area to RU4 Primary Production, with the exception of the following:
 - Lots 7302 & 7303 DP 1140446, which are to be zoned SP2 Infrastructure; and
 - Lots 213 & 255 DP 755490, which are to be zoned RE1 Public Recreation;
- In accordance with the map attached as Appendix B, assign a minimum lot size of 10 hectares to the RU4 Primary Production allotments within the subject area, with the exception of the land zoned SP2 and RE1, which will not be assigned with a minimum lot size;
- Create a new 'dwelling opportunity map' to provide certain allotments within the subject area with a dwelling entitlement pursuant to the provisions of Clause 4.2A(3)(d). A recommended dwelling opportunity map is included as Figure 10; and
- Amend Clause 4.2A of the *Gunnedah Local Environmental Plan 2012* in order to revoke subclause (4) and ensure that all existing dwelling opportunity maps have been repealed.

It is anticipated that the planning proposal will address any issues of community interest, and it is considered appropriate to apply the recommended community consultation guidelines which include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press;
- Advertising in the local newspaper at the start of the exhibition period;
- Advertising on Council's website for the duration of the exhibition period; and
- Targeted consultation with affected landholders.

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

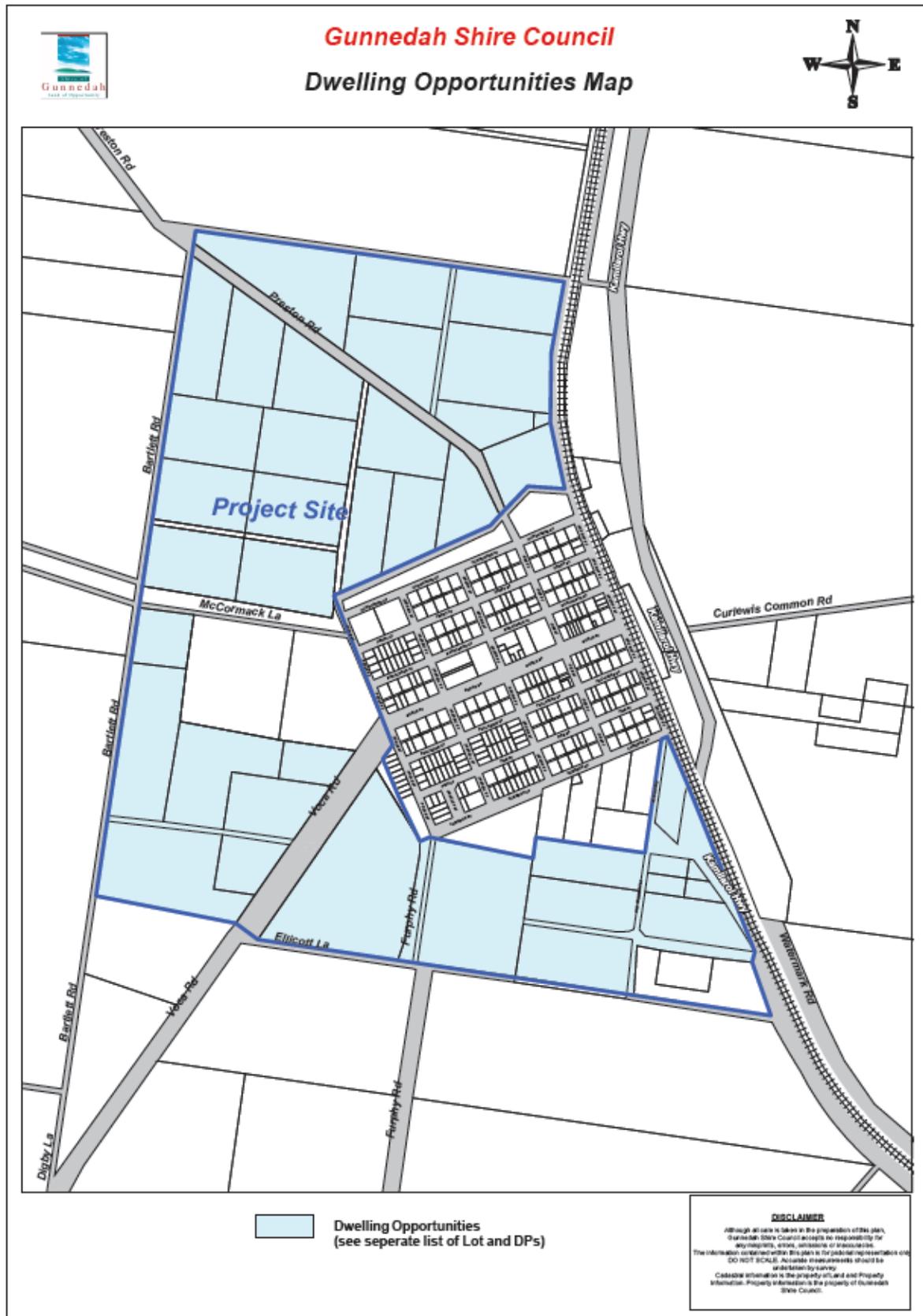


FIGURE 10 - PROPOSED DWELLING OPPORTUNITY MAP

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

Allotments to be identified on the dwelling opportunity map are as follows:

- Lot 146 DP 755490;
- Lot 147 DP 755490;
- Lot 148 DP 755490;
- Lot 149 DP 755490;
- Lot 150 DP 755490;
- Lot 151 DP 755490;
- Lot 152 DP 755490;
- Lot 153 DP 755490;
- Lot 159 DP 755490;
- Lot 161 DP 755490;
- Lot 162 DP 755490;
- Lot 163 DP 755490;
- Lot 165 DP 755490;
- Lot 208 DP 755490;
- Lot 216 DP 755490;
- Lot 219 DP 755490;
- Lot 220 DP 755490;
- Lot 221 DP 755490;
- Lot 222 DP 755490;
- Lot 225 DP 755490;
- Lot 226 DP 755490;
- Lot 227 DP 755490;
- Lot 230 DP 755490;
- Lot 232 DP 755490;
- Lot 233 DP 755490;
- Lot 246 DP 755490;
- Lot 247 DP 755490;
- Lot 248 DP 755490;
- Lot 256 DP 755490;
- Lot 344 DP 755490;
- Lot 7009 DP 755490;
- Lot 23 DP 818733;
- Lot 24 DP 818733;
- Lot 257 DP 257334;
- Lot 1 DP 609530;
- Lot 7304 DP 1144804;
- Lot 1 DP 1008541;
- Lot 7315 DP 1164914.

5.3.2 RU1 Coal Lease Land & RE1 Public Recreation Zoned Land – Stage 2

An examination of the RU1 Coal Lease Lane and RE1 Public Recreation zoned allotments to the north of Curlewis, identified in Figure 1 – Stage 2, has also been completed. It is noted that this area has historically always been zoned rural, recreation or public open space due to the presence of the coal corridor, leased by Curlewis Coal & Coke Pty Limited via Consolidated Coal Lease 711. This coal lease was originally granted on 16 March 1989 and a search of Coal Titles and Applications held by NSW Trade and Investment – Resources and Energy (current as at 1 January 2015) indicates that a renewal of this lease has been sought.

These allotments range in size, from approximately 1,800 square metres to 3.7 hectares. A number of RE1 zoned allotments in the eastern and western portions of this area are improved with dwelling houses, while the lots in the centre are heavily vegetated (as demonstrated by Figure 2). As a result, it is considered that there is insufficient information at this time to complete a comprehensive review of the zoning framework of this land. Upon finalisation of Consolidated Coal Lease 711, it is recommended that Council commission an ecological investigation in order to determine the significance of vegetation pursuant to the *Environment Protection and Biodiversity Consideration Act 1999*, *Threatened Species Conservation Act 1995* and *State Environmental Planning Policy Number 44 – Koala Habitat Protection*.

5.3.2.1 Recommendations

Having regard for the comments in Section 4.2.2, it is recommended that an ecological assessment be undertaken by a suitably qualified professional in relation to the subject allotments upon finalisation of Consolidated Coal Lease 711. A review of appropriate zoning and minimum lot size attributes can then be undertaken, if appropriate.

6 CONCLUSION

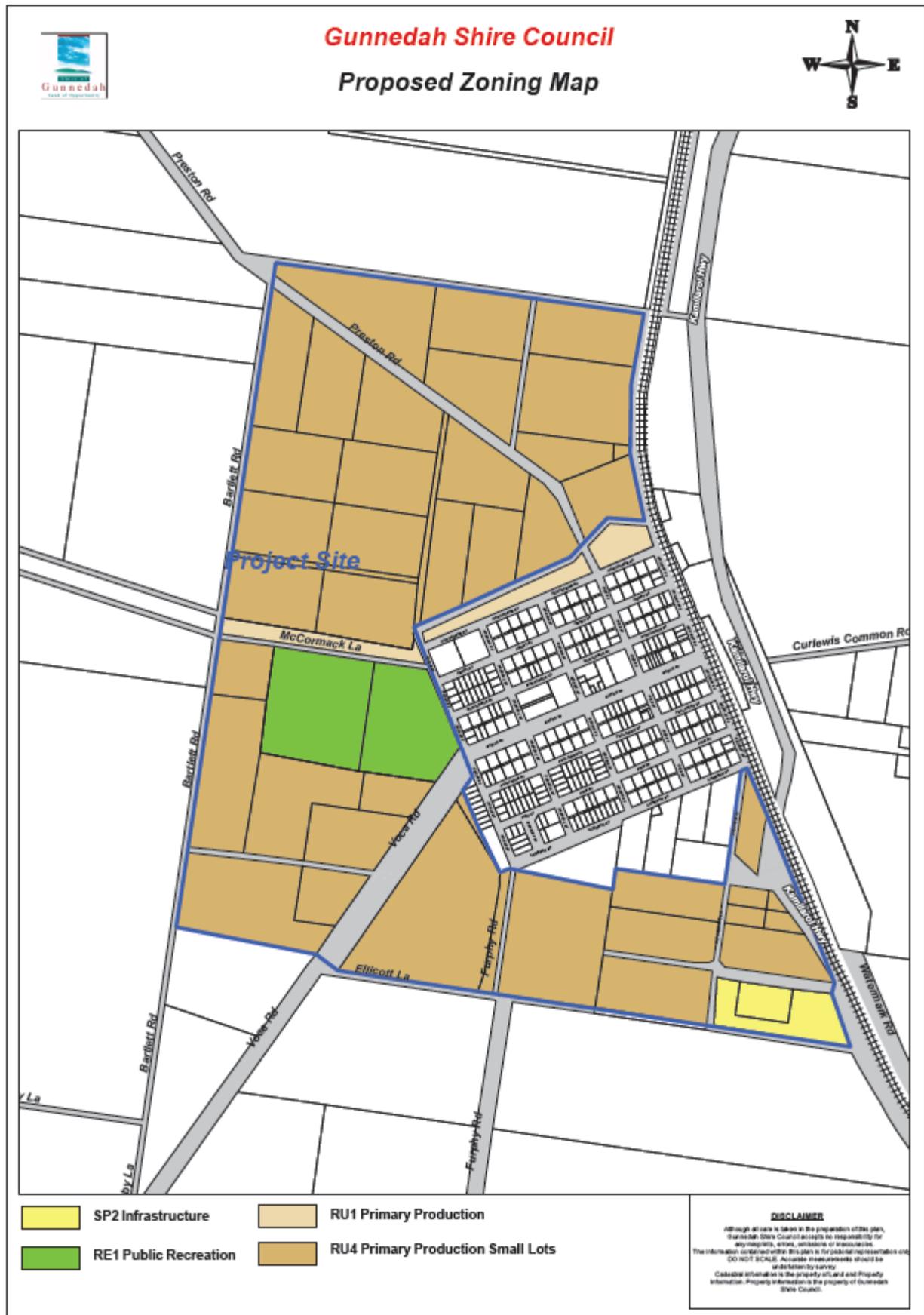
With the pending commencement of further resource development in proximity to Curlewis it is clear that the region is going to experience significant population impacts, particularly in the construction and initial operation phase of the Shenhua mining project. In this regard, it is expected that there will be demand for housing of a long-term nature. An examination of the current planning provisions has therefore been undertaken as part of this addendum to the Rural Strategy.

This addendum provides Council with direction for the subject land and subsequently a plan to manage the future growth of Curlewis. In this regard, justification for potential amendments to land zoning and minimum lot size, pursuant to the *Gunnedah Local Environmental Plan (LEP) 2012*, is detailed within this document in order to facilitate the preparation of a future planning proposal. It is anticipated that these amendments will create the opportunity for lifestyle development within the village of Curlewis, and will provide an adequate land bank to accommodate the intended population increases as a result of impending development.

APPENDIX A
PROPOSED LAND ZONING

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs



APPENDIX B

PROPOSED MINIMUM LOT SIZE

ADDENDUM TO THE GUNNEDAH SHIRE RURAL STRATEGY

Curlewis and its Environs

