



Narrabri LEP 2012 (Amendment No 4) - Rezone Lot 6 DP 701588, 223 Kaputar Road, Narrabri from RU1 to R5 and amend the minimum lot size from 100ha to 2ha.

Proposal Title : **Narrabri LEP 2012 (Amendment No 4) - Rezone Lot 6 DP 701588, 223 Kaputar Road, Narrabri from RU1 to R5 and amend the minimum lot size from 100ha to 2ha.**

Proposal Summary : **Narrabri LEP 2012 (Amendment No 4) - Rezone Lot 6 DP 701588, 223 Kaputar Road, Narrabri from RU 1 to R5 and amend the minimum lot size from 100ha to 2ha.**

PP Number : **PP_2014_NARRB_004_00** Dop File No : **14/12483**

Proposal Details

Date Planning Proposal Received : **28-Jul-2014** LGA covered : **Narrabri**

Region : **Northern** RPA : **Narrabri Shire Council**

State Electorate : **BARWON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **223 Kaputar Road**

Suburb : City : **Narrabri** Postcode : **2390**

Land Parcel : **Lot 6 DP 701588**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **0267019687**

Contact Email : **gina.davis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Hamish McTaggart**

Contact Number : **0267996863**

Contact Email : **hamishm@narrabri.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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| | | | |
|------------------------|--------------|--|------------|
| MDP Number : | | Date of Release : | |
| Area of Release (Ha) : | 30.00 | Type of Release (eg Residential / Employment land) : | N/A |
| No. of Lots : | 0 | No. of Dwellings (where relevant) : | 12 |
| Gross Floor Area : | 0 | No of Jobs Created : | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Narrabri LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.2 Rural Zones**
1.5 Rural Lands
 * May need the Director General's agreement **4.4 Planning for Bushfire Protection**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**
SEPP (Rural Lands) 2008

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e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Narrabri LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal has included identification, zoning and lot size maps that clearly show the subject land to be rezoned. The mapping is considered to be adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council considers the proposal as being relatively low impact. This is considered appropriate and a 14 day exhibition period is recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals only with matters of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

Council's project timeline has outlined a 6 month timeframe for the Planning Proposal with the LEP expected to be ready for submission to the Department for notification by February 2015. In order to ensure adequate time to complete the LEP it is recommended that a 9 month timeframe be given.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Narrabri LEP was made in December 2012.

Assessment Criteria

Need for planning proposal :

The proposal to amend the LEP is not the subject of a specific strategic study or report. Council has resolved to seek the rezoning of the land to R5 Large Lot Residential with a 2ha MLS due to landowner interest and to help provide increased housing choice in the area.

The subject land is currently zoned RU1 with a MLS of 100ha, despite the subject land only being approximately 30ha in area. The Planning Proposal aims to rezone the land and reduce the MLS to 2ha. This would equate to approximately 12 lots and would directly mirror the zoning and development potential of the land adjoining its southern and eastern boundaries.

It is noted that Council included the subject land for rezoning in Narrabri LEP 2012 post exhibition. The Minister's delegate in making the plan however amended the zoning and lot size maps consistent with the exhibited plan and advised Council that this change was too significant post exhibition without further community consultation. The Minister's delegate also recommended that should Council wish to pursue the rezoning it could be done through a separate Planning Proposal.

Consistency with strategic planning framework :

Whilst no Regional Strategies apply to the Narrabri LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Regional Land Use Plan.

The Planning Proposal has been identified as being consistent with all applicable SEPPs and section 117 Directions except the following;

1.2 Rural Zones

This Direction applies as the draft LEP will rezone rural land to a residential zone. The inconsistency with this Direction is considered to be of minor significance as the subject land is already considerably below the MLS for the rural zone and will be consistent with the subdivision development potential of land adjoining to the south and east. It is also noted that the land will be located closer to services and facilities than much of the existing R5 land in the area and will also help to create housing choice and bring greater competition between landowners of rural residential parcels with development potential to deliver this land to the market.

1.5 Rural Land/SEPP (Rural Lands) 2008

This Direction applies as the draft LEP will change the minimum lot size (MLS) of land within a rural zone. The Planning Proposal is inconsistent with this Direction as it will increase the fragmentation of existing rural land by reducing the MLS to 2ha. The inconsistency with this Direction is considered to be of minor significance as the subject land is not currently used or is likely to be used for agriculture, directly adjoins existing land zoned R5, is in reasonable proximity to the township of Narrabri and will provide greater housing choice for the community.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social economic impacts :

The subject land has not been identified as being flood prone and is characterised mostly of cleared grazing land with some small pockets of remnant vegetation. It is not anticipated that the Planning Proposal will create any significant adverse environmental, social or economic impacts. Council has also undertaken a preliminary contamination assessment of the land and has not identified any past activities likely to have led to any contamination of the land.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

| Document File Name | DocumentType Name | Is Public |
|--|--------------------------|-----------|
| Council Minute - 3 June 2014.pdf | Proposal | Yes |
| Att 4 Eval Criteria_completed.pdf | Proposal | Yes |
| Cover Letter (vA3774461).pdf | Proposal Covering Letter | Yes |
| Location and Zoning Map.pdf | Map | Yes |
| Draft Planning Proposal Lot 6 DP 701588 - 223 Kaputar Road, Narrabri.pdf | Proposal | Yes |

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones
1.5 Rural Lands
4.4 Planning for Bushfire Protection**

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 14 days;**
- 3. The Planning Proposal be completed within 9 months;**

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4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;
5. That the Director General (or his delegate) agree that the inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands as the proposal are of minor significance;
6. That the Director General (or his delegate) note the current inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection and that it is anticipated this inconsistency will need to be resolved prior to the proposal being finalised; and
7. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The Planning Proposal will provide opportunities for rural lifestyle, settlement and housing that will contribute to the social and economic welfare of the community.

Signature:



Printed Name:

Craig Diss

Date:

4/8/2014