

**NARRABRI SHIRE COUNCIL**  
**DRAFT PLANNING PROPOSAL**  
**LOT 6 DP 701588**  
**(223 KAPUTAR ROAD, NARRABRI)**

**BACKGROUND**

Council submitted the draft Local Environmental Plan 2012 (DNLEP 2012) to the Department of Planning and Infrastructure (DPI) in August 2012 – seeking DPI and Ministerial approval including for re-zonings of nine (9) properties which were subject of proposed re-zonings in submissions by landowners/proponents in response to public exhibition of the DNLEP 2012.

NLEP 2012 was endorsed by the DPI and the Minister for Planning and Infrastructure in December 2012 but with advice that eight of the post exhibition changes sought by Council were considered to be too significant to endorse without such Planning Proposals being subject of further assessment and public exhibition.

These eight proposals include the NLEP 2012 amendment proposed through this Planning Proposal. The Planning Proposal was tabled to Council's 3 June 2014 Meeting where Council resolved to support the proposal and refer it to Planning & Infrastructure for Gateway Determination.

**THE SUBJECT SITE**

This Planning Proposal relates to Lot 6 DP 701588 – an area of approximately thirty (30) hectares. The property owner has expressed the purposes of the Proposal as being to create one (1) lot of say 6 hectares on which the existing house is currently located leaving a residue of approximately 24 hectares for proposed subdivision into twelve (12) lots of approximately two (2) hectares each.

The property includes one existing dwelling with surrounding garden but is otherwise disused land previously used for cattle grazing.

The subject site subject site comprises predominantly grazing land and scattered remnant vegetation. An aerial view of the site is contained in Figure.1 below.

Fig.1 Aerial view of land subject to planning proposal (Image: Six Maps Online).



## 1. OBJECTIVES OR INTENDED OUTCOMES

The objectives/intended outcomes of this Planning Proposal are to:-

- Enable the development of additional rural residential living opportunities in proximity to the Narrabri township and thereby to respond to the additional demand for such development resulting from the increasing coal mining and coal seam gas mining activities in the Shire;
- Re-zone the subject site as a reasonable extension of land already zoned R5 large Lot Residential; and
- Contribute to the catchment population Narrabri town-ship and, thereby, provide economic and social support for commercial businesses, clubs and recreational organisations in the Narrabri town-ship.

## 2. EXPLANATION OF PROVISIONS

The Planning Proposal is to amend Narrabri Local Environmental Plan 2012 to rezone the subject site from RU1 Primary Production to an R5 Large Lot Residential zone and amend the

100 hectare minimum lot size on the minimum lot size map to a 2 hectare minimum lot size being applicable to the site.

Plans depicting the location, existing and proposed zoning and minimum lot size are included in Attachments A & B.

### 3. **JUSTIFICATION**

#### **Section A – Need for the Proposal**

##### **Strategic Study or Report**

The Planning Proposal does not result from, and is not directed by, any strategic study or report and there is no applicable Regional Strategy for the Narrabri Shire.

The Narrabri Growth Management Strategy of 2008 generally encourages the provision of rural residential living opportunities within proximity of the Shire's townships and to that extent the Planning Proposal is consistent with growth management planning in Narrabri Shire.

In December 2006 a Narrabri Rural Residential Study was completed by Edge Land Planning for the Department of Planning and Narrabri Shire Council. This rural residential study followed the Council's preparation in 2001 of a settlement (rural small holdings) strategy. In combination, the Council's applicable criteria for rural residential development can be interpreted as being as follows:-

- Location within 20kms of Narrabri and Wee Waa.
- Location close to existing services.
- The provision of a buffer between agricultural uses and rural residential dwellings.
- Adequacy of road access including dedicated roads.
- Ability to dispose of domestic effluent on site.
- Be self-sufficient and sustainable in water supply as well as capacity for dams.
- Have utility services available (electricity, communications etc.)
- Have minimal impact on existing infrastructure and cost imposition on public service providers in terms of roads, electricity, communications, and thereby not create uneconomic demands on infrastructure and services.
- Exclusion of areas of high bushfire hazard and the inclusion of a buffer to State Forests and National Parks as applicable.
- Exclusion of forestry land, industrial land and contaminated land as relevant.
- Exclusion of land with slopes greater than 18 degrees.
- Exclusion of areas with threatened species and known critical habitats.
- Exclusion of areas with known mineral and extractive industries.
- Avoid prime crop and pasture land where possible.
- Avoid environmentally sensitive land including land subject to the 1% AEP flood event.
- Avoidance of areas with soil erosion problems and characteristics.
- Avoidance of flood prone areas and areas with high water tables.
- Avoidance of areas of Aboriginal and European heritage significance.
- Avoidance of detrimental impacts on neighbouring land uses.
- Avoidance of actual and potential salinity problems.

- Assessment of dam catchments and potential locations.
- Avoidance of ribbon development along arterial roads which is not in keeping with surrounding areas.

These are a combination of explanatory and management criteria which are applicable to this Planning Proposal.

The Rural Residential Study of 2006 identified the following for Narrabri and its catchment:-

|                              | NUMBER OF DWELLINGS | NUMBER OF VACANT LOTS | POTENTIAL SUBDIVIDED LOTS |
|------------------------------|---------------------|-----------------------|---------------------------|
| Jacks Creek Road             | 16                  | 9                     | 623                       |
| Highfield Lane/Gun Club Road | 22                  | 8                     | 454                       |
| Old Gunnedah/Kaputar Road    | 133                 | 45                    | 378                       |
| Kaputar Road                 | 1                   | 9                     | 227                       |
| <b>TOTAL</b>                 | <b>172</b>          | <b>71</b>             | <b>1682</b>               |

**Source:** Land Use Survey for the Rural Residential Study 2006.

Hence, in 2006 there was significant excess of supply of land for rural residential purposes. Significant areas of land in proximity to the subject site are zoned R5 Large Lot Residential and have a 2 hectare minimum lot size. The subject site is in closer proximity to the Narrabri town-ship than the other land zoned R5 north and south of Kaputar Road as shown in Attachment 1. There has been limited but progressive take up of such large lot residential opportunities and the Council considers that the opportunity to should also be taken to propose to rezone the subject site to consolidate the existing areas of land zoned R5 Large Lot Residential and present the opportunity for such land to be subdivided and developed for such purposes in closer proximity to the Narrabri township.

*Planning Proposal as best way to achieve the objectives*

Council does consider that the Planning Proposal is the best way to achieve the objectives as expressed above. The Council places emphasis on strategic, local economic development and creating diverse opportunities for housing and employment – particularly in reasonably close proximity to Narrabri and other townships in the Shire.

*Net Community Benefit*

Council considers that there is a net community benefit as indicated below:-

| COSTS                                                              | BENEFITS                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Potential over-supply of rural residential land in Narrabri Shire. | The Planning Proposal enhances the availability and diversity of such large lot residential living / lifestyle opportunities in the context of increased population growth in the Shire.<br><br>Council also considers that large lot residential |

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               | <p>development is the best use of the subject land given that it has no potential for productive agriculture and the Proposal will lead to housing opportunities which give some distinctive attraction and which are in relatively close proximity to Narrabri township which in itself is highly constrained for more development by flood liability.</p> <p>The Planning Proposal also consolidated the area of land zoned Large Lot Residential on Kaputar Road in fact extends that zone and the associated rural residential opportunities towards the Narrabri township.</p> |
| Loss of rural scenic and landscape character. | <p>The subject site is in an attractive location within reasonable proximity of Narrabri township and is compatible with the landscape and visual characteristics of the surrounding area and the visible landscape travelling along Kaputar Road.</p>                                                                                                                                                                                                                                                                                                                              |

## Section B – Relationship to Strategic Planning Framework

### Regional Strategies

There is no applicable Regional Strategy for the Narrabri Shire.

### Community Strategic Plan and other Local Strategic Plan

The Planning Proposal is consistent with the Narrabri Shire Council's Community Strategic Plan in that additional rural residential/large lot residential opportunities are presented for development, thereby encouraging additional population with consequent social and economic benefits to the district and Narrabri township in particular. Local employment opportunities will be created through the construction of the subdivision and the subsequent dwellings on the lots thereby created.

### Consistency with State Environmental Planning Policies (SEPP's)

The State Environmental Planning Policies (SEPP's) which apply to this Planning Proposal and the subject land are: SEPP 55 – Remediation of Land and SEPP 8 (Rural Lands). Nothing in the Planning Proposal contradicts the aims and provisions of the other SEPP's

SEPP 55 Clause 6 deals with "Contamination and remediation to be considered in zoning or rezoning proposal" and states that

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

- (a) *the planning authority has considered whether the land is contaminated, and*

- (b) *if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

**Note.** *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

Council's records and knowledge of the site indicate that the land has historically been used for light agricultural activities and rural living. Council is unaware of any activities to have taken place on the site that are likely to have led to its contamination that would require its remediation for this Planning Proposal to proceed.

SEPP 8 (Rural Lands) contains relevant aims, principles and provisions.  
The aims of this SEPP 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,
- (d) to implement measures designed to reduce land use conflicts,
- (c) 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.

The Rural Planning Principles contained in the SEPP are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comments in response to the SEPP's aims and principles are:

- The subject site has very limited opportunities for current and/or potential productive and sustainable agriculture and the best economic activity, given the sites proximity to the Narrabri township, is for the large lot residential development opportunities to be created;
- There is limited net additional infrastructure demand created by the proposals with road access capacity being available, and ability with a 2 hectare minimum lot size to provide for on-site effluent disposal and for water supply to be obtained for the combination of a bore and rain water tank catchment. In the event of need, during a drought etc., town water can be provided by truck transport to the lots created as a result of this sites development;

#### Consistency with s 117 Ministerial Directions for Local Plan Making

The Planning Proposal needs to be considered in relation to the local planning directions issued by the Minister under Section 117(2) of the Environmental Planning and Assessment Act 1979.

The Proposal is affected by, and requires comments to respond to potential inconsistencies in relation to Ministerial Directives 1.2, 1.5 & 4.4. These Directives are considered and commented on below:

#### **Ministerial Direction 1.2 Rural Zones**

##### Objectives of this Direction

*(1) to protect the agricultural production value of rural land.*

##### The Direction 1.2 (4) Rural Zones requirements:

*A planning proposal must:*

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

### 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.*

Given the size of the site and its proximity to other large lot residential zoned land Council considers that the subject site has limited potential as productive agricultural land. It is therefore considered that this Planning Proposal and rezoning of the site is justified as productive agricultural land will not be lost and the Planning Proposal is of 'minor significance'.

### **Ministerial Direction 1.5 Rural Land**

#### Objective of this Direction

- a) protect the agricultural production of rural land*
- b) facilitate the orderly development of rural lands for rural and related purposes*

#### 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. The direction applies to a proposal that will affect rural or environmental zoned land. The site subject to this proposal is zoned R1 Primary production accordingly this Direction is relevant to the proposal.*

This proposal will affect land zoned RU1Primary Production and the minimum lot size of that land. This Direction is therefore applicable. Where the Directive applies the relevant planning authority must be satisfied that the proposal is compatible with the Rural Subdivision Principles specified by the SEPP Rural Lands 2008. These principles are considered and commented on below.

*(a) the minimisation of rural land fragmentation,*

The proposal will reduce the minimum lot size for land zoned R1 Primary Production from 100 hectares to 2 hectares. The proposal conflicts with this principle.

*(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*

The site subject to this proposal adjoins land zoned R5 Large Lot Residential and the rezoning of the site for rural residential development is a logical expansion to this current land use of adjoining properties. The proposal is not anticipated to give rise to any land use conflict.

*(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*

The proposal will not impact any significant agricultural holdings and will allow the rural residential lot development of land in close proximity to lots previously developed for such a purpose.

*(d) the consideration of the natural and physical constraints and opportunities of land,*

A portion of the site is identified as bushfire prone. There are no further significant natural or physical constraints affecting the land.

*(e) ensuring that planning for dwelling opportunities takes account of those constraints.*

There are sufficient opportunities for the construction of dwellings at a number of locations across the site. Any future development application for such a development will be required to take into consideration the bushfire risk of the land and appropriate bushfire protection measures put in place.

### Consistency

The proposal is compatible with the SEPP Rural Lands 2008 Subdivision Principles b, c, d & e. The proposed reduction to the minimum lot size from 100 hectares to 2 hectares is not considered compatible with Subdivision Principle a. The proposal is therefore inconsistent with this Ministerial Directive. A proposal may be supported despite an inconsistency where it is supported by one or a combination of the following:

- (6) *(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*
- (b) is of minor significance.*

The Narrabri Growth Management Strategy encourages the development of rural residential land. This proposal will increase the availability of such land. Considering the proposals proximity to a large area of rural residential zoned land the proposal is considered to be a logical extension of an existing rural residential growth area supported by previous strategies. This rezoning and reduction of the minimum lot size is therefore considered justified as a logical expansion of a rural residential locality and one that is of minor significance to the this Directive.

### **Ministerial Direction 4.4 Bushfire Prone Land**

#### Objectives of this Direction

- a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- b) to encourage sound management of bush fire prone areas.

Direction applies when

- a) 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.

Lot 6 DP 701588 is identified as bushfire prone land and this Direction must therefore be considered in relation to this proposal.

Consistency

Where this Direction applies a planning authority is required to consult with the NSW RFS. It is anticipated that this will be undertaken as a requirement of any Gateway Determination. A planning proposal affected by this Direction may proceed where written correspondence is provided from the NSW RFS indicating no objection to the progress of the proposal.

#### 4. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

As reflected in the Council resolution of 27 November 2013, the potential impacts and key issues raised by the Planning Proposal are currently considered to be:

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?

The site is predominantly cleared with the exception of scattered remnant vegetation. The existence of any habitats of threatened or endangered species on-site is unlikely given the site's historical light agricultural use, proximity to rural residential developed land and the limited on-site vegetation.

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

It is considered unlikely that any natural hazards and issues are pertinent to the Planning Proposal in terms of land slip and bushfire hazard.

How has the planning proposal adequately addressed any social and economic effects?

There are social and economic benefits of the Planning Proposal in terms of providing net additional population and large lot residential development opportunities within proximity of the Narrabri town-ship. This net additional land supply and large lot residential development opportunities responds to the anticipated increase in demand for such development resulting from the growth of the coal mining and coal seam gas production sectors in Narrabri Shire. Although the temporary accommodation villages, developed by MAC Property Services Pty Ltd in Narrabri and Boggabri provide for significant temporary accommodation for "fly in, fly out" employees. It is still anticipated that a proportion of employees in these sectors will be seeking housing on this form of development given the long term commitments for exploration and operational phases of the coal mines and the coal seam gas facilities.

The location of such net additional large lot residential development opportunities within such a reasonably short distance to the Narrabri town centre will add economic support to retail and commercial outlets in the town centre and "social support" to local schools, community facilities, clubs and recreational organisations.

The following needs for public services and infrastructure are currently evaluated as being:-

- Water supply – to be provided by rain water tanks and bore supply with town water provided from Narrabri town-ship by truck in the event of drought and need for such supply.
- Effluent disposal - to be provided on site.
- Roads – capacity of road access to the Narrabri town centre is currently concluded to be adequate, but should be further assessed and subject of a more detailed consultation with the Engineering Services Department of Narrabri Shire Council and the Roads and Maritime Services.
- Waste management and recycling services – this can be managed adequately through extension of the existing service that is provided further out the Kaputar Road.
- Health and education – adequate provision is available in the Narrabri Township and indeed additional population in the catchment area of these facilities will add support and economical viability for the provision of such services.
- Emergency services – the difficulties and impediments to accessibility by emergency services to the subject site from Narrabri township during significant flood events is an issue, however access to the Narrabri Airport will be possible during any flood event to enable evacuation. Access to the Narrabri town centre and hospital is restricted from anywhere within the surrounding town area in one in one hundred year events

## 5. COMMUNITY CONSULTATION

The Planning Proposal is to be placed on public exhibition in accordance with the requirements of any Gateway Determination. The proposal is considered to be a relatively "low impact" proposal of local rather than being of sub-regional or regional significance and it is suggested that a public hearing is not necessary for the proposal to proceed.

## 6. PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in Table 1.

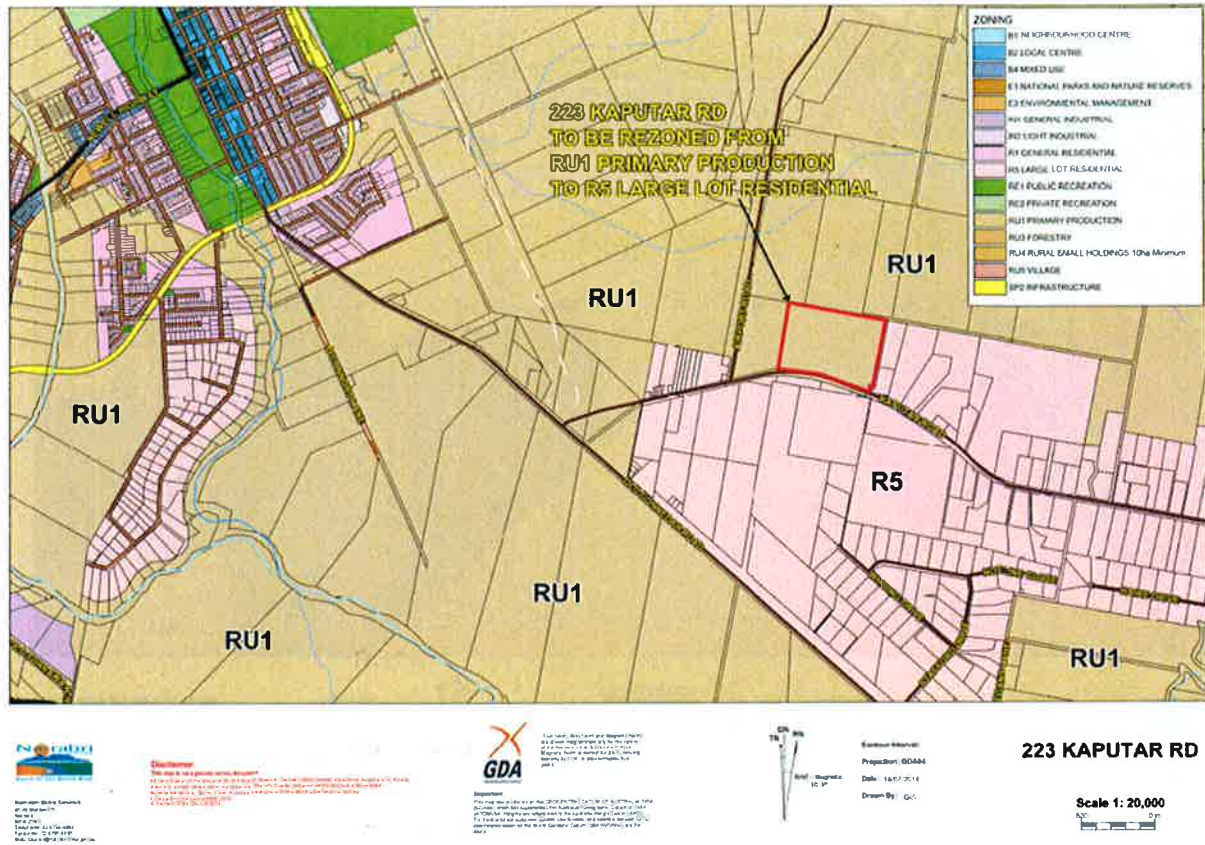
**Table 1 - Project Timeline**

| Task                                                                                                                                                                                                                | Anticipated timeframe                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Date of Gateway Determination                                                                                                                                                                                       | September 2014                       |
| Completion of required technical information, studies                                                                                                                                                               | No additional studies required       |
| Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required. | No specific changes are anticipated. |
| Commencement and completion dates for public exhibition.                                                                                                                                                            | September-October 2014               |

|                                                                                                |                            |
|------------------------------------------------------------------------------------------------|----------------------------|
| Consultation with public authorities under Section 56 (2)(d) of the EPA Act                    | Not anticipated            |
| Dates for public hearing                                                                       | Not anticipated            |
| Consideration of submissions, report from public hearing and Planning Proposal post exhibition | None likely to be required |
| Refer Planning Proposal to Parliamentary Counsel to obtain an Opinion                          | November 2014              |
| Obtain Parliamentary Counsel Opinion                                                           | January 2015               |
| Council resolve to adopt LEP                                                                   | January 2015               |
| LEP forwarded to Department of Planning & Environment for notification                         | February 2015              |

## Attachment A Zone Map

Land to be rezoned from RU1 Primary Production to R5 Large Lot Residential



## Attachment B Minimum Lot Size Map

Land to have minimum lot size reduced from 100 hectares to 2 hectares.

