

Narrabri LEP 2012 - Amendment No 6 - Rezone land in Boggabri and correct LEP mapping errors

Proposal Title : **Narrabri LEP 2012 - Amendment No 6 - Rezone land in Boggabri and correct LEP mapping errors**

Proposal Summary : **The Planning Proposal involves the following:**

*** Rezoning Lot 28 DP 755475 132 Caloola Road and part of Lot 7009 DP 1050939, 69 Denman Street, Boggabri from IN1 General Industrial to R1 General Residential with a MLS of 550m2;**

***Rezoning Lot 2 DP 455136, 201 Caloola Road and Lot A DP 361385, 103 Caloola Road Boggabri, and the Reservoir Lane road reserve which traverses the site from RU1 Primary Production to R1 General Residential with a MLS of 550m2;**

*** Correcting existing LEP map errors by:**

- amending the minimum lot size map for Lot 1 DP 133559, 2 Boston Street, Boggabri from 550m2 to 1ha; and

- amending the minimum lot size map for Lot 2 DP 133559, 13839 Kamilaroi Highway, Boggabri from 550m2 to 2ha.

PP Number : **PP_2015_NARRB_001_00**

Dop File No :

15/14175

Proposal Details

Date Planning
Proposal Received : **29-Sep-2015**

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 :

Suburb :

City :

Postcode :

Land Parcel : **Lot 28 DP 755475 132 Caloola Road, Boggabri**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 2 DP 455136, 201 Caloola Road, Boggabri**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Part of Lot 7009 DP 1050939, 69 Denman Street, Boggabri**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot A DP 361385, 103 Caloola Road, Boggabri**

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Street :
Suburb : City : Postcode :
Land Parcel : **Lot 1 DP 133559, 2 Boston Street, Boggabri**
Street :
Suburb : City : Postcode :
Land Parcel : **Lot 2 DP 133559, 13839 Kamilaroi Highway, Boggabri**
Street :
Suburb : City : Postcode :
Land Parcel : **Part of the Reservior Lane road reserve**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**
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RPA Contact Details

Contact Name : **Luke Flood**
Contact Number : **0267996852**
Contact Email : **lukef@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
MDP Number :		Date of Release :	
Area of Release (Ha) :	40.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	730
Gross Floor Area :	0	No of Jobs Created :	0

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

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.**

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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 :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.1 Residential Zones

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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

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

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 and zoning maps that clearly show the subject lands to be rezoned. The mapping is considered to be adequate for exhibition purposes. A map showing the proposed MLS for each lot should also be prepared for exhibition purposes.**

Prior to seeking a Parliamentary Counsel opinion for the Plan, LEP mapping prepared in

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accordance with the Department's technical mapping guidelines will also need to be prepared.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has suggested a 21 public consultation period. As the proposal is however considered to be relatively low impact in nature and consistent with Council's Secretary approved local strategy, an exhibition period of 14 days is considered appropriate.

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 April 2016. To ensure an adequate period to finalise the proposal, a 9 month period to complete the proposal is recommended.

It is note that the property description of the land to which the proposal applies will need to be updated prior to exhibition to clarify that it applies to part of the Reservoir Lane road reserve and only part of Lot 7009 DP 1050939.

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 aims of the Planning Proposal are to give affect to some of the recommendations of the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015) and to correct several minor mapping anomalies.

In detail, the Planning Proposal involves the following:

1) Rezone Lot 28 DP 755475 and part of Lot 7009 DP 1050939 from IN1 General Industrial to

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R1 General Residential with a MLS of 550m2. A mapping error in a previous LEP amendment done by Council under delegation inadvertently rezoned these lots from RU1 Primary Production to IN1 General Industrial. Neither of the lots has been developed for industrial purposes. Consistent with the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015) the site is now proposed to be rezoned to R1 General Residential; and

2) Rezone Lot 2 DP 455136, Lot A DP 361385 and the Reservoir Lane road reserve which traverses the site from RU1 Primary Production to R1 General Residential with a MLS of 550m2 consistent with the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2014).

The Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015) was prepared to update the original Narrabri Growth Management Plan to account for the growth in the mining industry within the LGA. The strategy identified the provision of additional residential land as strategically important for Boggabri. The Strategy identified an area south of Caloola Road being Lot 28 DP 755475, Lot 2 DP 455136 & Lot A DP 361385, as being conducive to residential development and was as such marked as a general residential investigation area. This area also includes an unformed road reserve (Reservoir Lane) that traverses the site. As public consultation and strategic planning work carried out during the Boggabri Review to the NGMS supported the rezoning of this land, Council has now resolved to proceed with its rezoning.

3) Amend the MLS for Lot 1 DP 133559, Boston Street from 550m2 to 1ha and Lot 2 DP 133559, Kamilaroi Highway from 550m2 to 2ha. This is needed to correct a mapping error in Narrabri LEP Amendment No.3 which inadvertently altered the MLS applying to this land to 550m2.

Council have indicated that none of the subjects lots contain any threatened habitat, species or communities, nor are classified as bushfire prone or subject to flooding.

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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 Strategic Regional Land Use Plan.

The Planning Proposal has been identified as being consistent with all applicable SEPPs. The Planning Proposal is also considered to be with all s117 Directions except the following:

1.1 Business and Industrial Zones

This Direction applies as the Planning Proposal will affect land within an existing industrial zone. A Planning Proposal may be inconsistent with the terms of this Direction if justified by a Secretary approved strategy. The rezoning of Lot 28 DP755475, 132 Caloola Road and Lot 7009 DP 1050939, 69 Denman Street, Boggabri from IN1 General Industrial to R1 and the corresponding alteration of the applicable MLS to 550m2 is justified by the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015) approved by the Secretary's delegate in May 2015. It is also noted that the existing industrial zoning was created by a mapping error and that the land has not been used for industrial purposes.

1.2 Rural Zones

This Direction applies as the draft LEP contains provisions that will rezone land from RU1 Primary Production to R1 General Residential and will increase the permissible density of the land. The inconsistency of the Planning Proposal with this Direction is considered to be justified as the proposed rezoning is in accordance with the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015).

1.5 Rural Land/SEPP (Rural Lands) 2008

This Direction applies as the draft LEP will reduce the minimum lot size (MLS) of land within a rural zone and is therefore not fully consistent with the principles contained with the Rural Lands SEPP. The Planning Proposal aims to rezone the subject land (Lot 2 DP 455136, Lot A DP 361365, Caloola Road, Boggabri, and the Reservoir Lane road reserve) from RU1 with a MLS of 100ha to R1 with a MLS of 550m2. The inconsistency of the Planning Proposal with this Direction is considered to be justified as the land was identified for future residential use in the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015).

3.1 Residential Zones

This Direction applies as the Planning Proposal will affect land within a proposed residential zone. It is proposed that Lot 28 DP755475, Lot 2 DP 455136, Lot A DP 361385, part of Lot 7009 DP 1050939 and the Reservoir Lane road reserve which traverses the site will be rezoned to R1 Residential under NLEP 2012. Any inconsistency with this Direction is however justified as the subject lots have been identified in the approved Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015) as being suitable for residential development.

Environmental social economic impacts :

The subject lands do not contain any threatened habitat, species or communities, nor are they classified as bushfire prone or subject to flooding. It is not anticipated that the Planning Proposal will have any significant adverse environmental, social or economic impacts on the community of Boggabri but rather, will produce a positive outcome in regards to housing choice for the LGA as a whole. Council has also confirmed that the land can be effectively and economically serviced.

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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) :

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
Narrabri LEP 2012 Amend No 6 - Council recommendation.pdf	Proposal	Yes
Narrabri LEP 2012 Amend No 6 - Cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal V2_Final.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
1.2 Rural Zones
1.5 Rural Lands
3.1 Residential Zones

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 6 months;**
- 4. That the Secretary (or her delegate) agree to the inconsistencies with section 117**

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Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones;

5. Prior to public exhibition, the planning proposal should be amended to:

- include mapping illustrating the proposed minimum lot size changes; and
- updating the property description to clarify that it applies to part of the Reservoir Lane road reserve and only part of Lot 7009 DP 1050939; and

6. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The Planning Proposal will implement recommendations from the Narrabri Growth Management Strategy Addendum (Boggabri Strategic Planning Review 2015) and provide residential opportunities to cater for the growth in workforce associated with the mining sector. Greater housing choice will in turn have a positive impact on the social and economic welfare of the community as a whole.

Signature:



Printed Name:

Craig Diss

Date:

30/9/15