

## Planning Services

IRF19/921

### Gateway determination report

<b>LGA</b>	Narrabri
<b>PPA</b>	Narrabri Shire Council
<b>NAME</b>	Inclusion of an Obstacle Limitation Surface (OLS) Map (0 houses, 0 jobs)
<b>NUMBER</b>	PP_2019_NARRB_002_00
<b>LEP TO BE AMENDED</b>	Narrabri LEP 2012
<b>ADDRESS</b>	Land in and surrounding Narrabri Airport
<b>DESCRIPTION</b>	Land as shown in the map accompanying the planning proposal
<b>RECEIVED</b>	14/02/2018
<b>FILE NO.</b>	EF 19/2157; IRF19/921
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

### INTRODUCTION

#### Description of planning proposal

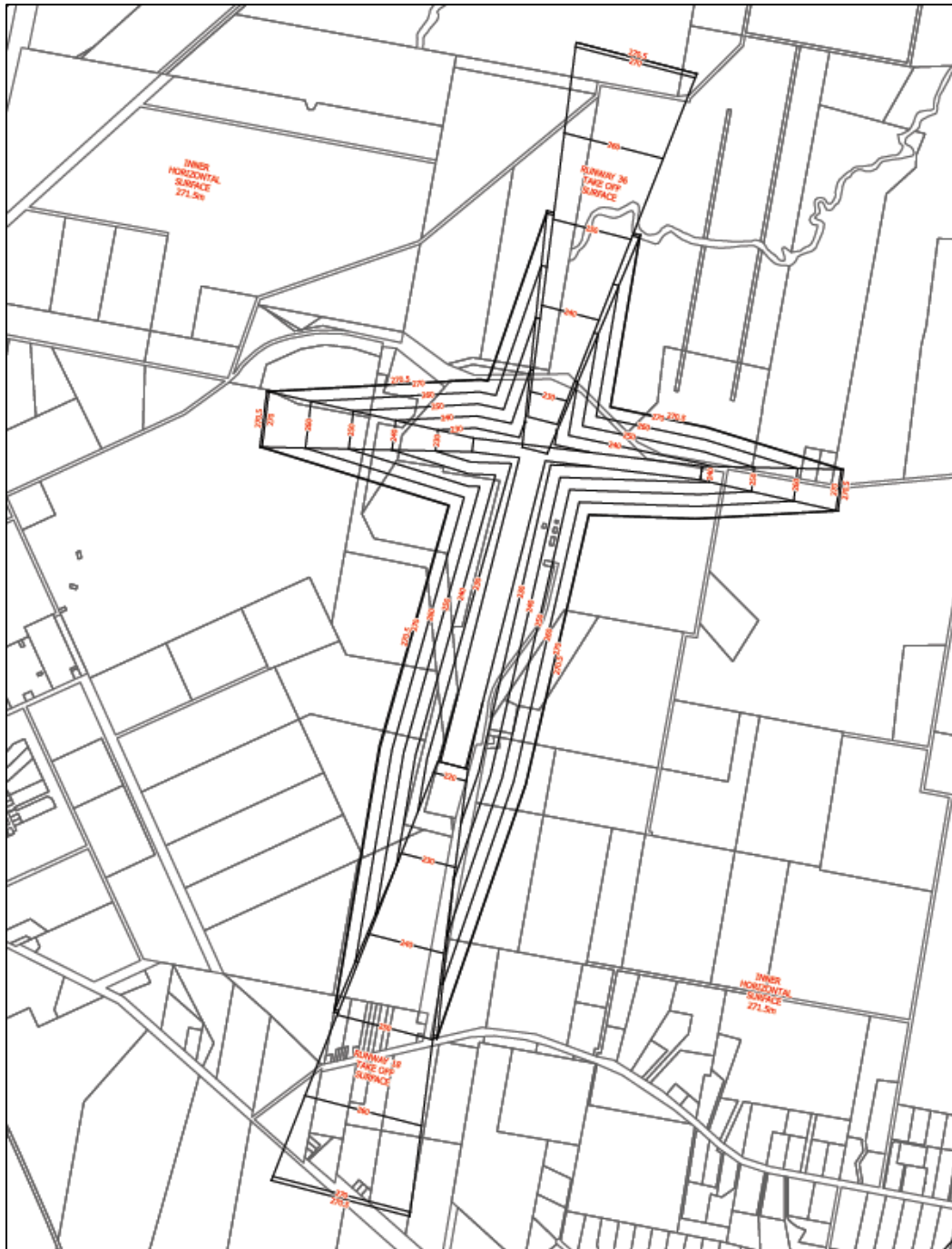
The purpose of the planning proposal is to include the OLS map in the Narrabri LEP 2012. This will necessitate adoption of an OLS map, minor amendments to Clause 6.3 Airspace operations of the LEP to incorporate an appropriate definition of obstacle height limit, and inclusion of a map reference in the LEP dictionary. The amendments will help facilitate protection of the Narrabri Airport from inappropriate development and ensure its ongoing effective operation.

#### Site description

The OLS plan is centred on the Narrabri Airport, and will overlay the airport and its surrounds as detailed by Figures 1 and 2.



Figure 1 - OLS Overview - Narrabri Airport (Source: Planning Proposal, Narrabri Shire Council)



## Summary of recommendation

It is recommended that the planning proposal be approved subject to conditions.

## PROPOSAL

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### Objectives or intended outcomes

The planning proposal has adequately outlined the objectives and intended outcomes that relate to the inclusion of the OLS map. Ultimately, Council aims to ensure that the operation of the airport is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft in the vicinity.

### Explanation of provisions

The objectives of the planning proposal will be achieved via the following amendments to the LEP:

- inclusion of the OLS map;
- amendment to clause 6.3(5) of the LEP to include the following definitions:
  - *obstacle height limit* means the land shown as “Obstacle Height Limitation” on the Obstacle Limitation Surface Map;
  - *relevant Commonwealth body* means the body that is responsible for development approvals for development that penetrates the Obstacle Height Limitation for the Narrabri Airport.
- inclusion of ‘Obstacle Limitation Surface Map’ in the LEP dictionary.

Council has considered the proposal in sufficient detail, however amendments are required to the planning proposal document prior to public exhibition, so that the definition of ‘obstacle height limit’ detailed in the explanation of provisions reads “obstacle height limit means the land shown as “Obstacle Height Limitation” on the Obstacle Limitation Surface Map”.

### Mapping

The proposal will result in the addition of a new map to the LEP. The maps provided by Council in the proposal are suitable for community consultation purposes, as they adequately demonstrate the area that will be affected by the OLS provisions. Maps prepared in accordance with the Department’s standard technical requirements will need to be for the final plan making process.

## NEED FOR THE PLANNING PROPOSAL

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The planning proposal is not a direct result of a strategic planning study or report. The need for the planning proposal was identified by the Narrabri Airport Master Plan 2014 – 2034, which provided a recommendation regarding the inclusion of the OLS map in the LEP to ensure the effective and safe operation of the airport. Transferring the provisions from the Master Plan into the LEP will provide greater statutory strength to the provisions as well as contribute to greater public awareness and transparency. It is noted that this approach is similar to Tamworth LEP 2010 which also includes an OLS map. The planning proposal is the only means by which to include the OLS map in the LEP.

## **STRATEGIC ASSESSMENT**

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### **State**

The planning proposal does not contain any matter of state significance.

### **Regional**

The planning proposal is in accordance with the provisions of the New England North West Regional Plan 2036. The proposal is consistent with the recommendations of the Plan to facilitate air infrastructure and protect airports from the encroachment of incompatible development.

### **Local**

While Council's Growth Management Strategy 2010 does not specifically address the issue of including the OLS mapping within the LEP, it is noted that the proposal is consistent with the Narrabri Airport Master Plan 2014 – 2034 which establishes a framework for the future planning and development of the airport. The proposal is also consistent with the objectives of Council's Community Strategic Plan 2027.

### **Section 9.1 Ministerial Directions**

The proposal is considered to be consistent with all applicable section 9.1 Ministerial Directions except the following:

#### **3.5 Development Near Regulated Airports and Defence Airfields**

This direction applies when a planning authority prepares a planning proposal that will create a provision relating to land near a regulated airport. In such circumstances, the planning authority must consult with the lessee / operator of that airport and take into consideration any advice from that lessee / operator. Until this consultation has been undertaken, the consistency of the proposal with this direction remains outstanding.

#### **4.4 Planning for Bushfire Protection**

This direction applies when a planning proposal will affect, or is in proximity to, land mapped as bushfire prone. This direction requires that the relevant planning authority consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a gateway determination, and prior to undertaking community consultation. Until this consultation has been undertaken, the consistency of the proposal with this direction remains outstanding.

### **State environmental planning policies (SEPPs)**

The proposal is considered to be consistent with all applicable state environmental planning policies.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social / Economic**

The proposed OLS map affects a large area which incorporates land zoned for business, industrial, residential, recreation, environmental and rural purposes as well as sites that are affected by flooding and bushfire hazards.

The planning proposal is however unlikely to result in any detrimental socio-economic impacts within the LGA. Inclusion of the OLS map will assist Council in the protection of the airport from encroachments of incompatible development and will ensure that the Narrabri region is capable of capitalising on the aeronautical and commercial opportunities provided by the airport. The proposal does not affect any



existing development potential in the region, as the OLS map is already in existence (albeit held in a Master Plan rather than the LEP). Approval of the planning proposal will provide greater statutory weight to the OLS map and is consistent with other existing provisions of the LEP (such as the height of building map).

### **Environmental**

The planning proposal is not expected to create any detrimental environmental impacts. Existing provisions in relation to zoning, minimum lot size and land use permissibility will remain unaltered and as such, the proposal will not impact critical habitats, threatened species, populations or ecological communities or their habitats.

### **Infrastructure**

There is no new local or state infrastructure required to facilitate the planning proposal.

## **CONSULTATION**

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### **Community**

The planning proposal indicates that public exhibition will be undertaken in accordance with the requirements of relevant planning legislation but does not specify a timeframe for this consultation. In this instance, it is considered that the planning proposal is of low impact in accordance with the Department's *A guide to preparing local environmental plans* and should be exhibited for 14 days. Council has indicated that the planning proposal will be notified in the local newspaper and on their website.

### **Agencies**

As identified above, it is considered appropriate that consultation be undertaken with the NSW RFS and the lessee / operator of Narrabri airport

## **TIMEFRAME**

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The planning proposal has included a timeline that indicates completion in July 2019. A 9 month timeframe is recommended to ensure a sufficient period of time to finalise the proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council have requested an authorisation to exercise delegation for this proposal. As the proposal is of local significance and does not raise issues of State or regional significance, it is considered appropriate that Council be authorised to act as the local plan-making authority for this matter.

## **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions, as:

- it meets the adequacy criteria by providing appropriate objectives and intended outcomes as well as a suitable explanation of the provisions and justification for the proposal;
- appropriate community consultation will be undertaken and a practical project timeline has been provided;

- it is capable of achieving consistency or justifiable inconsistency with all relevant Section 9.1 Directions and SEPPs subject to consultation with the NSW Rural Fire Service and the Narrabri Airport lessee / operator;
- the existing clause 6.3 Airspace operations of the LEP is a model provision that is not mandated by the Standard Instrument LEP and can be amended;
- it is not inconsistent with the New England North West Regional Plan 2036 or the Narrabri Growth Management Strategy 2010;
- it is implementing a recommendation of the Narrabri Airport Master Plan 2014 – 2034 which is understood aims to provide greater statutory strength to the provisions as well as contribute to greater public awareness and transparency; and
- it is unlikely to have any detrimental impact on the environment or the socio-economic welfare of the local government area.

## RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. note that the inconsistency with section 9.1 Directions 3.5 Development Near Regulated Airports and Defence Airfields and Direction 4.4 Planning for Bushfire Protection remains unresolved until further justification has been provided.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following agencies / organisations:
  - the lessee / operator of the Narrabri Airport
  - NSW Rural Fire Service
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to public exhibition, the planning proposal is to be amended so that the definition of 'obstacle height limit' detailed in the explanation of provisions reads *obstacle height limit means the land shown as "Obstacle Height Limitation" on the Obstacle Limitation Surface Map.*



22/2/18

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