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Planning Proposal to Amend Narrabri Local Environmental Plan No 2

**Prepared for
Tamworth Building Supplies Pty Ltd**

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Planning Proposal 10-62

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Introduction

SMK Consultants Pty Ltd has been engaged by Tamworth Building Supplies Pty Ltd (the proponent) to prepare a planning proposal to amend Narrabri Local Environmental Plan No 2. The proposal is to rezone land to 3(a) General Business to allow its use for commercial and retail purposes. We will then prepare a Development Application to use the land for the purpose of the display and sale of builders' hardware.

The proponent has attempted to find a suitable parcel of land in Narrabri to develop a builders' hardware outlet to serve the local building and construction industry. There is a shortage of suitably zoned land available and following discussions with Narrabri Shire Council it was determined that a Planning Proposal to rezone the subject land was the best method of proceeding with the proposal.

The subject land comprises Lot 18 in DP 2854 and the adjoining Lot 172 and Part Lot 173 in DP 540858. The allotments are zoned a mixture of 2(b) Residential and a small area of 1(d) Rural Floodway under Narrabri Local Environmental Plan No. 2. Commercial Premises and Shops are prohibited uses in these zones. Under the provisions of clause 32 of the LEP land referred to in Schedule 3 of the LEP may be used for a purpose specified in that Schedule. Lot 18 DP 2854 is referred to in Schedule 3 and may presently be used for the sale of used cars with the consent of Council.

Part 1 Objectives or Intended Outcomes

The objective of this planning proposal is rezone Lot 18 in DP 2854 and Lot 172 and Part Lot 173 in DP 540858 to 3(a) General Business to enable their redevelopment for the purpose of the display and sale of Builders' Hardware, including the erection thereon of retail and warehouse facilities including an office. The subject land is shown on the maps appended to this proposal.

Part 2 Explanation of Provisions

Map 1, which forms a part of Narrabri Local Environmental Plan No. 2 (the LEP), would be amended by altering the zoning of the subject land from 2(b) Residential and 1(d) Rural Floodway to 3(a) General Business zone.

Part 3 Justification

SECTION A - NEED FOR THE PLANNING PROPOSAL

Is the planning proposal the result of any strategic study or report?

No – although the Narrabri Growth Management Strategy which was prepared by Edge Land Planning in December 2009 has recommended, amongst other things, that Lot 18 DP 2854 should be rezoned to mixed use which would better reflect the nature of the Cooma Road precinct. The use of Lot 18 for retail purposes, car sales, is already permitted by Schedule 3 of the LEP.

The proponent has, in association with Council, sought suitable vacant land on which to construct the proposed development. The proponent was also prepared to consider a site which contained a suitable vacant building. Neither the proponent nor Council were able to locate a suitably zoned site that was vacant, available and suitable for the proposal. The proponent has located the subject land and following consultation with Council was advised to lodge a Planning Proposal to rezone the land to allow the development to be approved.

Council has suggested that the proponent may wish to acquire the flood affected land from Council to be used for access and parking. The flood affected land comprises a small section of the northeast corner of the land and no building or structures would be erected on this land. This is compatible with the LEP and the NSW Floodplain Development Manual and is discussed further below.

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The total land area included in the Planning Proposal is 5,341 square metres and Lot 18 comprises 75% of this area. The flood affected component comprises less than 3.5 % of the site. An amendment of Schedule 3 of the LEP to allow this development to proceed was considered by us and would be satisfactory to the proponent but was not endorsed by Council's planning consultant who has insisted on a Planning Proposal to spot rezone the land to 3(a) General Business.

The purpose of the proposed rezoning is to facilitate the use of the land for a retail builders' hardware outlet which would support the local construction industry and provide for local employment opportunities. Existing commercial and light industrial development exists to the north and south of the subject land along this section of Cooma Road and is interspersed with residential uses which gives the precinct a mixed use character.

The decision to amend the present LEP rather than wait for a new LEP based on the Standard Instrument is driven by a commercial imperative. The contract to purchase the land is contingent on the proposal receiving development approval prior to August 2010, if approval is not received by then the purchase contract expires and the project can not proceed.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The development proposal has been the subject of several discussions with Council who sought advice from the Department of Planning and also obtained separate legal advice. Based on those discussions and the insistence of Council's planning consultant that an amendment to Schedule 3 of the LEP was not appropriate, it has been decided that dealing with this planning proposal as a spot rezoning is the best means of achieving the objectives and intended outcomes.

Is there a net community benefit?

The proponent presently services the Narrabri building and construction industry from its Tamworth head office. This involves builders travelling to Tamworth to obtain building materials or telephoning an order through and waiting for the materials to arrive by courier. To improve its service to the building industry the proponent intends to commence a local presence and, following discussions with Council, has identified the subject land as being suitable for its needs.

It is envisaged that having these goods and services available locally to both to the professional builders and the home handyman will provide a net community benefit.

The following addresses the matters contained in the Draft Centres Policy 2009 in assessing net community benefit:

- **Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transport node)?**

Yes, the planning proposal is compatible with the Western Regional Strategy developed by NSW Planning as it will create investor confidence in Narrabri, help build a stronger regional community and encourage jobs and services.

The *Narrabri Community Economic Development Strategic Plan 2007* was a planning process undertaken jointly by the Narrabri Chamber of Commerce, Narrabri Shire Council and the NSW Department of State and Regional Development. A SWOT Analysis undertaken as part of the process identified gas reserves and natural resources as strengths; apathetic businesses, a lack of residential building blocks, a lack of business planning and a lack of government services as weaknesses; natural gas, the coal industry, the cotton industry an ethanol plant, growth opportunities, innovative industry development, major highway access, major transport hub and Narrabri's ability to become a service centre are identified as opportunities. Threats to Narrabri's future were seen to come from economic decline, centralisation, lack of government infrastructure, housing costs, loss of housing, loss of

specialist services and skilled labour drainage. Local, State and Federal Governments were also nominated as threats in the report.

The Assessment of Opportunities for Narrabri Shire from Coal Mining & Gas Extraction in the Gunnedah Basin, a strategic study prepared for Narrabri Shire Council by Jenny Rand and Associates in 2007 flagged that additional housing and industrial land would be needed in Narrabri to support mining development in the area. The study has also pointed out that mining activity would also stimulate the retail sector and encourage investment in retail development. The study claimed that Narrabri is emerging as the centre for gas exploration in the region but that the need for additional housing to support the gas industry is expected to be lower than for coal mining.

The proposal is consistent with a number of priorities and targets in the NSW State Plan 2010 as it brings investment to Narrabri that will support jobs and help in the provision of housing that would be required by the developing mining and energy sector.

- **Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?**

No.

- **Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?**

There are three questions to be addressed:

1. Is the LEP likely to create a precedent?

The LEP is unlikely to create a precedent as each development proposal must be assessed on its individual merits and the Cooma Road precinct already has a mixed use character.

2. Is the LEP likely to change the landowner's expectation?

The proponent expects to develop the land for a retail builder's hardware centre and the LEP will assist in his meeting that expectation, therefore the landowner's expectation will not change.

3. Will the LEP change the expectations of other landowners?

We have not been approached by other landowners to act on their behalf and would not presume to speak for them.

- **Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?**

There have been no other spot rezoning proposals undertaken in the locality.

- **Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?**

The spot rezoning of this site will facilitate permanent employment generating activity and will result in a net gain of employment generating lands in an area that has developed organically over the years into a mixed use zone. One of the reasons for this growth is that the area is accessible and has sufficient services to attract and support this scale of development.

- **Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?**

The proposed rezoning will not impact upon or diminish the range of housing choices, rather, it will support the building and construction industry and support additional housing choices.

- **Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there**

infrastructure capacity to support future public transport?

Adequate public road, water, sewer, electricity and telecommunications infrastructure is available to service the proposed site.

- **Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?**

Presently local builders are serviced from Tamworth. As a result of this planning proposal these goods and services will be available locally which will result in reduced travel, operating costs and greenhouse gas generation.

- **Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so what is the expected impact.**

There are no significant Government investments in infrastructure or services in the area whose patronage will be affected by this proposal.

- **Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?**

The proposal will not impact on land that the Government has identified a need to protect. A small part of the land in the northeast corner is considered flood affected but this land would only be used as an access driveway and for car parking, therefore, the proposed development will not be constrained by flooding or other factors.

- **Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?**

The Cooma Road precinct, which contains the subject land, consists of a mixture of land uses including residential, commercial, retail and industrial developments. In this regard the proposed use of the land for retailing builders' hardware is considered both complimentary and compatible to the surrounding land uses. The planning proposal is considered to have a positive impact on the amenity of the area by creating employment opportunities and retail choice. The impact on the public domain is considered to be neutral.

- **Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?**

Yes. The proposed rezoning will permit the establishment of a retail builder's hardware outlet which would increase choice and competition in the region. Strategic Policy for the locality, including the Narrabri Growth Management Strategy, the Jenny Rand and Associates study and the Narrabri Community Economic Development Strategic Plan mentioned above have identified the need for more economic development in the region.

The NSW State Plan and the Draft Centre's Policy, aim to promote self contained urban environments, with services located to meet the needs of the community whilst reducing the need to travel to access those needs. The proposed rezoning is consistent with this philosophy and aims to extend the small scale commercial activities in the area to provide additional services to the community. The rezoning aims to provide for the sustainable growth of the services already offered in the locality and will have the benefit of reducing the need to travel out of town to obtain goods. The scale of the proposed rezoning and the nature of the eventual use are such that there will be no adverse impact on either the immediate locality, the Narrabri CBD, or any other retail/commercial centre.

- **If a stand alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?**

The Cooma Road precinct already contains the makings of a mixed use area containing residential, commercial, retail and industrial developments with direct access to the retail core. The subject land is located within that precinct and is not considered to be a stand alone development.

The proposed rezoning complements this existing development and provides for the growth of this precinct by permitting the establishment of a builders' hardware outlet, which would be suitable to serve the community.

- **What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?**

The spot rezoning of this site will achieve an immediate economic stimulus and overall benefit to the community as it will provide for the expansion of an existing mixed use precinct and will revitalise the site. The proposal enhances development which is complementary to the locality and will provide essential services and employment to the increasing residential population of the area. The proposed development will create several full-time jobs in the area and support the local building and construction industry which is experiencing increasing residential growth due to mining activity in the area. The proposal is consistent with the NSW State Plan, the Draft Centres Policy and the Narrabri Growth Management Strategy. The proposal will not have a detrimental impact on the primacy or vitality of the Narrabri CBD as the proposal is defined as a bulky goods premises and requires a large area for display, handling and storage. The proposal also requires access and loading area for commercial vehicles and is thus not compatible with being located in the commercial core due to the high pedestrian activity in the core and the potential for pedestrian/vehicle conflicts.

Facilitating this development will help to retain spending within Narrabri and create a stronger retail destination that will better serve the needs of the surrounding population. To not proceed will delay such benefits.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There is no Regional Environmental Plan that applies to the subject land, however, NSW Planning has proposed following aims for the NSW Western Region:

1. Seeking a sustainable future for the western regions by:
 - a. Creating investor confidence and promoting economic development in the right locations
 - b. Protecting valuable natural and built resources
 - c. Helping to build stronger rural and regional communities.
2. Particular challenges the Department has identified in planning for Western NSW are to:
 - a. Support sustainable agriculture
 - b. Conserve valuable natural resources
 - c. Foster new settlement and development on suitable locations
 - d. Encourage jobs and services
 - e. Minimise land use conflict
 - f. Achieve social planning outcomes with the limited resources available to local councils.

The planning proposal is consistent with the Department's Western NSW strategy of creating investor confidence, encouraging jobs and helping to build a stronger regional community.

Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Yes.

Is the planning proposal consistent with applicable state environmental planning policies?

There are no existing State Environmental Planning Policies or known draft policies that would prohibit or restrict the planning proposal. An assessment against relevant SEPPs is provided below:

State Environmental Planning Policy No 44 – Koala Habitat Protection

None of the trees listed in Schedule 2 of the SEPP are located on the land. The land does not comprise core or potential koala habitat. This would also be addressed at the Development Application stage.

State Environmental Planning Policy No 55 – Remediation of Land

The planning proposal is consistent with this SEPP as the preliminary assessment of the land reveals that contamination is unlikely but this would be addressed in more detail at the Development Application stage.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal does not contravene any Ministerial Directions issued under s117(2) of the Environmental Planning and Assessment Act 1979. Applicable directions are set out below:

No.	Title	Comment
1.1	Business and Industrial Zones	The Planning Proposal would increase employment growth in an area that has developed organically as a mixed use precinct and is thus considered to be a suitable location for the proposal.
1.2	Rural Zones	This proposal involves a small (around 177 m ²) area of land zoned 1(d) Rural Floodway. When considered in the context of the objective it is concluded that this is of minor significance and is permissible under clause 5(d).
1.5	Rural Lands	As discussed above the proposal affects a small piece of land zoned 1(d) Rural Floodway and is considered to be of minor significance and is permissible in accordance with clause 6(b).
3.1	Residential Zones	The Planning Proposal is not inconsistent with this direction as it will not reduce the variety or choice of housing types but will assist the housing industry to provide for future housing needs in an economical manner.
3.4	Integrating Land Use and Transport	The Planning Proposal would reduce travel demand by providing goods and services locally and provide for the efficient movement of freight.
4.3	Flood Prone Land	The Planning Proposal is consistent with the Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005 and commensurate with the flood hazard category of the subject land as the small part to the land that is flood prone is to be used as an access driveway and for car parking and no structures would be constructed thereon.

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4.4	Planning for Bushfire Protection	The Planning Proposal does not relate to bushfire prone land.
6.3	Site Specific Zoning	The Planning Proposal is consistent with this direction as it will rezone the subject land to an existing zoning in the present LEP.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**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 subject land has been previously cleared and developed for residential use. No habitat suitable to attract or support threatened species, populations or ecological communities remains on the land. There does not appear to be a need for a species impact study.

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

A small part of the land, approximately 177 m² or less than 3.5 percent of the development area, is considered to be affected by the one percent annual exceedence probability flood event. This land is located on the fringe of the floodplain and would only be used for an entrance driveway and for car parking. As a result it is considered that the proposed development would comply with the NSW Floodplain Development Manual 2005 in respect to the use of flood prone land.

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

The spot rezoning of the site will achieve an immediate economic stimulus and overall benefit to the Narrabri community.

The Narrabri Growth Management Strategy undertook a comprehensive public consultation exercise following which it recommended rezoning Lot 18 DP 2854 to Mixed Use. Other reports mentioned above that were commissioned by or adopted by Narrabri Shire Council also had community input.

There are no known items or places of European or Aboriginal cultural heritage located on the subject land.

SECTION D - STATE AND COMMONWEALTH INTERESTS**Is there adequate public infrastructure for the planning proposal?**

Adequate public infrastructure is available for the planning proposal.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will take place following determination of the agencies to be consulted under the gateway determination.

Part 4 Community consultation

Pursuant to section 57(2) of the Environmental Planning and Assessment Act 1979 the Director General of Planning must approve the form of the Planning Proposal under the Gateway process before community consultation is undertaken.

The Planning Proposal is considered to be Low Impact and would be publicly exhibited for a period and in a manner set out in the Gateway determination.