

Proposed rezoning at 5-11 Maitland St, Narrabri, from RE1 Public Recreation to RE2 Private Recreation

Proposal Title :	Proposed rezoning at 5-11 Maitland St, Narrabri, from RE1 Public Recreation to RE2 Private Recreation		
Proposal Summary :	The Planning Proposal aims to rezone part of Lot 3 DP 519595 and part of Lots 5 & 6 DP 533507, 5-11 Maitland St, Narrabri from RE1 Public Recreation to RE2 Private Recreation to correct a mapping error in the preparation of Narrabri LEP 2012.		
PP Number :	PP_2013_NARRB_001_00	Dop File No :	13/12290

Proposal Details

Date Planning Proposal Received :	23-Jul-2013	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 :	5-11 Maitland St		
Suburb :	City :	Narrabri	Postcode : 2390
Land Parcel :	Part of Lot 3 DP 519595 and Part of Lots 5 & 6 DP 533507, 5-11 Maitland St, Narrabri		

DoP Planning Officer Contact Details

Contact Name :	Gina Davis
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RPA Contact Details

Contact Name :	Warwick Stimson
Contact Number :	0267996855
Contact Email :	warwicks@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 :	Yes

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

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Department of Planning and Infrastructure'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.**

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 : **4.3 Flood Prone Land**
6.2 Reserving Land for Public Purposes

* May need the Director General's agreement

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 (Exempt and Complying Development Codes) 2008

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SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005

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 and zoning maps that clearly show the land in question and the proposed rezoning. The mapping is considered to be adequate.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has identified a 14 day exhibition period for the proposal. The Planning Proposal is considered to be a 'low impact' proposal and the proposed notification period is considered to be satisfactory.

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.

The RPA has provided a project time line which estimates that the LEP will be ready for submission to the Department for notification in October 2013. The submitted project time line is considered overly optimistic and has not included a period for obtaining a Parliamentary Counsel's opinion. A 6 month time frame for completion of the proposal is recommended. It is noted that a revised project time line (that addresses all the additional steps to be completed by Council, including referral to Parliamentary Counsel, if an authorisation to exercise delegation is issued) will need to be included in the Planning Proposal prior to public exhibition.

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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.

The need for the Planning Proposal arose after it was identified by Council that the subject land was incorrectly rezoned (through a mapping error) from Rural 'D' (Floodway) in Narrabri LEP No 2 to RE1 Public Recreation in Narrabri LEP 2012.

The land is owned by the Narrabri RSL Club and the current club building and facilities occupy most of the site. The land is zoned part B2 Local centre and part RE1 Public Recreation under Narrabri LEP 2012. Correcting the mapping error, and rezoning the western part of the site from RE1 Public Recreation land to RE2 Private Recreation, will more accurately identify that the land is held in private ownership and is not available for the use of the general public.

The rezoning will also help to address the current permissibility of the club facilities which need to rely upon existing use rights in the area of the site zoned RE1 Public Recreation. Registered clubs are prohibited in the RE1 Public Recreation Zone of Narrabri LEP 2012. Registered Clubs are permissible with consent in the RE2 Private Recreation Zone (and the B2 zone that applies to the remainder of the site).

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;

S117 Direction 4.3 - Flood Prone Land

As the subject land is identified as being in a flood planning area on the Narrabri LEP 2012 Flood Planning Map, this Direction applies. As the aim of the Planning Proposal is to correct a mapping error and no significant increase in the development potential of the site is likely to occur as a result, it is considered that the provisions of the draft LEP that are inconsistent are of minor significance.

S117 Direction 6.2 - Reserving Land for Public Purposes

This Direction requires that a Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General of the Department of Infrastructure and Planning. The Planning Proposal is inconsistent with this Direction as the Director General's approval for the proposed reduction in the RE1 Public Recreation zone has not been obtained. It is considered that this inconsistency is of minor significance as the Planning Proposal aims to only rectify a mapping error that incorrectly identifies privately owned land for public purposes.

Environmental social economic impacts :

No significant adverse environmental, social or economic impact has been identified as resulting from the proposal.

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Assessment Process

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

Timeframe to make LEP : **6 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 : **As the proposal seeks only to make a mapping correction to address an error that occurred in the preparation of Narrabri LEP 2012, no consultation with any specific agencies has been identified as being necessary.**

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
Planning Proposal.pdf	Proposal	No
PP cover letter.pdf	Proposal Covering Letter	No
PP_Eval Criteria.pdf	Proposal	No
PP_draft LEP Map.pdf	Map	No
pp_use of delegations.pdf	Proposal	No
PP_Council Resolution.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **4.3 Flood Prone Land**
6.2 Reserving Land for Public Purposes

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;**

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- 4. No agency consultation be required;
- 5. That the Director General (or his delegate) agree that the inconsistencies with section 117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance;
- 6. That an authorisation to exercise delegation be issued to Council; and
- 7. That a revised project time line (that addresses all the additional steps to be completed by Council due to an authorisation to exercise delegation being issued) be included in the Planning Proposal prior to public exhibition.

Supporting Reasons : The Planning Proposal will correct a mapping error that occurred in the preparation of Narrabri LEP 2012. This correction is considered important in permitting the LEP to operate effectively and accurately.

Signature: 

Printed Name: Craig Diss Date: 29/7/13